

Docket Index Listing for Closed Dockets
971399

971399-TP

Docketed: October 21, 1997
 Closed: May 10, 1999
 Company: BellSouth Telecommunications, Inc. (TL720)
 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order No. PSC-96-1569-FOF-TP.
 OPRs: CMU - Audu
 OCRs:
 Staff Counsel: LEG - Cox
 Commissioners: Prehearing Officer - Clark
 Hearing Officers - All Commissioners

<u>DOCUMENT NO.</u>	<u>DATE</u>	<u>DOCKET NO.</u>	<u>DESCRIPTION</u>
✓ 10806-97	10/21/1997	971399-TP	BellSouth Telecommunications, Inc. (White) - Petition to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP.
✓ 11551-97	11/10/1997	971399-TP	FCCA (McGlothlin)/MCI (Stuart/Melson)/ AT&T (Rule) - Joint motion to dismiss BellSouth's petition.
✓ 11552-97	11/10/1997	971399-TP	Florida Competitive Carriers Association [FCCA] (McGlothlin) - Petition to intervene.
✓ 11556-97	11/10/1997	971399-TP	MCI Telecommunications Corporation (Melson) - Petition to intervene.
✓ 11598-97	11/12/1997	971399-TP	FCCA (McGlothlin) - Amended certificate of service to joint motion to dismiss filed 11/10/97.
✓ 11816-97	11/18/1997	971399-TP	BellSouth (White) - Response and opposition to FCCA, MCI AND AT&T's joint motion to dismiss.
✓ 11886-97	11/19/1997	971399-TP	Time Warner AxS of Florida, L.P. [Time Warner] (Auger) - Petition for leave to intervene.
✓ 12732-97	12/12/1997	971399-TP	Order PSC-97-1569-PCO-TP granting intervention to FCCA.
✓ 12733-97	12/12/1997	971399-TP	Order PSC-97-1570-PCO-TP granting intervention to Time Warner.
✓ 12734-97	12/12/1997	971399-TP	Order PSC-97-1571-PCO-TP granting intervention to MCI.
✓ 01197-98	01/22/1998	971399-TP	RECOMM fr CMU/Audu; LEG/Cox to 2/3/98 ag - deny FCCA, MCI, and AT&T's joint motion to dismiss BellSouth's petition to lift marketing restrictions; grant BellSouth's petition; close if Issue 1 is approved and after PAA.
✓ 01319-98	01/23/1998	971399-TP	BellSouth (White) - Notice of intent to request specified confidential classification of DN 01320-98.
01320-98	01/23/1998	971399-TP	BellSouth (White) - (CONFIDENTIAL) Supporting information regarding intraLATA toll marketshare. (x-ref DN 02205-98)

Docket Index Listing for Closed Dockets
971399 (continued)

<u>DOCUMENT NO.</u>	<u>DATE</u>	<u>DOCKET NO.</u>	<u>DESCRIPTION</u>
✓ 01763-98	02/04/1998	971399-TP	VOTE SHEET fr 2/3/98 ag - JN, DS, CL, GR, JC, staff recomb approved. Issues 2 & 3 denied on their own motion. Commissioners voted to go directly to hearing on substantive issues in docket; additionally, Commissioners voted to approve oral argument on Issues 1 & 2, with each party allowed eight minutes for presentation of argument.
✓ 01876-98	02/05/1998	971399-TP	Notice of 2/10/98 staff workshop at 9:00 a.m., Room 362, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard in Tallahassee.
✓ 02072-98	02/10/1998	971399-TP	TRANSCRIPT - Pgs 1-23 of Item No. 12 from 2/3/98 agenda conference in Tallahassee.
✓ 02202-98	02/12/1998	971399-TP	AT&T Communications of the Southern States, Inc. (Rule) - Petition to intervene.
✓ 02204-98	02/13/1998	971399-TP	BellSouth (White) - Request for confidential classification of DN 02205-98.
02205-98	02/13/1998	971399-TP	BellSouth (White) - (CONFIDENTIAL) Supporting information requested by PSC staff in connection with information regarding IntraLATA toll marketshare in BellSouth's 10/21/97 petition. (x-ref 01320-98)
✓ 02206-98	02/13/1998	971399-TP	BellSouth (White) - Redacted version of confidential DN 02205-98.
✓ 02291-98	02/17/1998	971399-TP	Order PSC-98-0293-FOF-TP denying FCCA, AT&T, and MCI's joint motion to dismiss BellSouth's petition; docket to remain open. (JDGCJ)
✓ 02600-98	02/25/1998	971399-TP	Order PSC-98-0330-PCO-TP establishing procedure. (C)
✓ 02952-98	03/06/1998	971399-TP	BellSouth (White) - Direct testimony of Hilda Greer with exhibits HG-1 and HG-2.
✓ 02956-98	03/06/1998	971399-TP	MCI (Melson) - Notice of service of 1st set of interrogatories, Nos. 1-5 to BellSouth.
✓ 02957-98	03/06/1998	971399-TP	MCI (Melson) - Notice of service of 1st request for production of documents, Nos. 1-12 to BellSouth.
✓ 03205-98	03/13/1998	971399-TP	MCI, AT&T, and FCCA (Melson) - Direct testimony of Sandra Seay.
✓ 03786-98	04/01/1998	971399-TP	Order PSC-98-0471-PCO-TP granting AT&T intervention.
✓ 03963-98	04/06/1998	971399-TP	BellSouth (White) - Response and objection to MCI's 1st request for production of documents and motion for protective order.
✓ 03964-98	04/06/1998	971399-TP	BellSouth (White) - Letter notification of responses to MCI's 1st set of interrogatories, Nos. 1-5 and responses and objections to MCI's 1st request for production of documents, Nos. 1-12.
✓ 04226-98	04/13/1998	971399-TP	BellSouth (White) - Rebuttal testimony of Hilda Greer.

Docket Index Listing for Closed Dockets
971399 (continued)

<u>DOCUMENT NO.</u>	<u>DATE</u>	<u>DOCKET NO.</u>	<u>DESCRIPTION</u>
✓ 04232-98	04/13/1998	971399-TP	MCI, AT&T and FCCA (Melson) - Rebuttal testimony of Sandra Seay.
✓ 04936-98	05/01/1998	971399-TP	Notice of 6/18/98 hearing at 9:30 a.m., Room 148, Betty Easley Conference Center, 4075 Esplanade Way in Tallahassee and 6/1/98 prehearing conference at 1:30 p.m., Room 152, Betty Easley Conference Center, 4075 Esplanade Way in Tallahassee.
✓ 05084-98	05/06/1998	971399-TP	FAW NOTICE of 6/1/98 prehearing conference at 1:30 p.m. in Tallahassee.
✓ 05228-98	05/08/1998	971399-TP	FPSC (LEG/Cox) - Notice of 5/18/98 deposition of Hilda Geer at 9:30 a.m. in Tallahassee.
✓ 05364-98	05/13/1998	971399-TP	Copy of FPSC/Cox notice of 5/22/98 deposition of Sandra Seay at 1:00 p.m. in Tallahassee.
✓ 05394-98	05/14/1998	971399-TP	FPSC (LEG/Cox) - Staff's prehearing statement.
✓ 05455-98	05/15/1998	971399-TP	FCCA (McGlothlin)/AT&T (Rule)/MCI (Bond) - Joint prehearing statement.
✓ 05457-98	05/15/1998	971399-TP	BellSouth (White) - Prehearing statement.
✓ 05518-98	05/18/1998	971399-TP	FCCA, AT&T, and MCI (McGlothlin) - Amended cert of service.
✓ 05610-98	05/20/1998	971399-TP	FAW NOTICE of 6/18/98 hearing at 9:30 a.m. in Tallahassee.
✓ 05807-98	05/28/1998	971399-TP	BellSouth (White) - Notice of intent to request confidentiality of DN 05808-98.
05808-98	05/28/1998	971399-TP	BellSouth (White) - (CONFIDENTIAL) Responses to MCI's request for production of documents Nos. 1-6 and 12. (X-ref DN 06402-98)
✓ 05951-98	06/03/1998	971399-TP	TRANSCRIPT - Pgs 1-11 of 6/1/98 prehearing conference in Tallahassee before CL.
✓ 06199-98	06/10/1998	971399-TP	BellSouth (White) - Letter notification of late-filed deposition exhibits HG-1, HG-2, HG-3, HG-4, and HG-5 for Hilda Geer [Exhs forwarded to LEG].
✓ 06249-98	06/12/1998	971399-TP	Prehearing Order PSC-98-0809-PHO-TP, (C)
✓ 06401-98	06/17/1998	971399-TP	BellSouth (Keyer) - Request for confidential classification of DN 06402-98.
06402-98	06/17/1998	971399-TP	BellSouth (Keyer) - (CONFIDENTIAL) Response and objection to MCI's 1st request for production of documents, Nos. 1-6, and 12. (X-ref DN 05808-98)
✓ 06403-98	06/17/1998	971399-TP	BellSouth (Keyer) - Redacted version of Confidential DN 06402-98.
✓ 06425-98	06/17/1998	971399-TP	BellSouth (White) - Letter notification of late-filed deposition supplements to Exhibit Nos. HG-1 and HG-5 for Hilda Geer.
✓ 06426-98	06/17/1998	971399-TP	BellSouth (White) - Letter notification of errata sheet and Cert of deponent for Hilda Geer.
✓ 06689-98	06/24/1998	971399-TP	TRANSCRIPT - Pgs 1-169 of 6/18/98 hearing in Tallahassee before JN, DS, CL, GR, JC.
✓ 06891-98	06/30/1998	971399-TP	BellSouth (White) - Late-filed hearing exhibit No. 7.
✓ 07269-98	07/09/1998	971399-TP	BellSouth (Keyer) - Brief of the evidence.

**Docket Index Listing for Closed Dockets
971399 (continued)**

<u>DOCUMENT NO.</u>	<u>DATE</u>	<u>DOCKET NO.</u>	<u>DESCRIPTION</u>
✓ 07270-98	07/09/1998	971399-TP	FCCA (McGlothlin)/MCI (Melson)/AT&T (Rule) - Post hearing brief.
✓ 09053-98	08/21/1998	971399-TP	RECOM for 9/1/98 ag fr CMU/Audu/Simmons; LEG/Cox - grant BellSouth's relief from requirements of Section III of Order PSC-96-1659-FOF-TP; close upon issuance of final order.
✓ 09702-98	09/04/1998	971399-TP	VOTE SHEET fr 9/1/98 ag - deferred; staff to advise.
✓ 09863-98	09/10/1998	971399-TP	RECOM for 9/22/98 ag fr CMU/Audu/Simmons; LEG/Cox - grant BellSouth relief from requirements of Section III of Order PSC-96-1569-FOF-TP; docket to remain open pending BellSouth filing 6-month report on 2/1/99.
✓ 10454-98	09/22/1998	971399-TP	VOTE SHEET fr 9/22/98 ag - JN, DS, CL, GR, JC, (DS and JC dissented) Issue 1 modified: Commissioners initially approved issue; on their own motion, Commissioners voted to reconsider decision. They subsequently approved issue, with relief to become effective on issuance of order, on a 3-2 vote: Issues 1A and 2 approved.
✓ 12027-98	10/28/1998	971399-TP	Final Order PSC-98-1469-FOF-TP granting BellSouth's petition for relief; ordered BellSouth to provide a report on LPIC activity for 6 months ending 12/31/98 and LPIC-able access lines from 6/30/98 to 12/31/98, no later than 2/1/99; ordered BellSouth to rewrite its customer mailer as specified; docket shall remain open. (JDCGJ)
✓ 01402-99	02/03/1999	971399-TP	BellSouth (Sims) - Report on Marketing Restrictions in response to Order PSC-98-1469-FOF-TP.
✓ 02453-99	02/24/1999	971399-TP	BellSouth (White) - Letter dated 2/16/99 seeking leave for Nancy B. White to appear as a qualified representative.
✓ 02864-99	03/04/1999	971399-TP	BellSouth (Hanna) - Letter dated 3/2/99 requesting Nancy B. White be named a qualified representative of BellSouth.
✓ 03867-99	03/25/1999	971399-TP	Order PSC-99-0545-PCO-TP authorizing Nancy B. White to appear as qualified representative on behalf of BellSouth. (C)
✓ 04068-99	03/30/1999	971399-TP	BellSouth (Carver) - Request for Mary K. Keyer to appear as qualified representative.
✓ 04557-99	04/08/1999	971399-TP	RECOM for 4/20/99 ag fr CMU/Audu; LEG/Cox - close docket.
✓ 05059-99	04/21/1999	971399-TP	VOTE SHEET fr 4/20/99 ag - GR, DS, CL, JN, JC staff recomb approved.
✓ 05870-99	05/10/1999	971399-TP	Order PSC-99-0920-FOF-TP closing docket. (GDCJJ)

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971399-TP Date Docketed: 10/21/1997 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order No. PSC-96-1569-FOF-TP.
 Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADH _____ AFA _____ APP _____ CAF _____ (CRJ) _____ EAG _____ GCL _____ LEG _____ RAR _____ RRR _____ WAW _____
 ("(") indicates OPR) _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B11

Staff Assignments

<u>OPR Staff</u>	<u>J Audu</u>	_____

<u>Staff Counsel</u>	<u>W Cox</u>	_____
<u>OCRs ()</u>		_____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (650) 413-6770
 Current CASR revision level

7

Due Dates

Previous Current

1. Staff Recommendation	03/18/1999	04/08/1999
2. Agenda - Regular	03/30/1999	04/20/1999
3. PAA Order	04/19/1999	05/10/1999
4. Close Docket or Revise CASR	05/19/1999	06/10/1999
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 03/17/1999

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
X							

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: Pending 3/24/99

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971399-TP Date Docketed: 10/21/1997 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order No. PSC-96-1569-FOF-TP. Company: BellSouth Telecommunications, Inc.

Official Filing Date: Last Day to Suspend: Expiration:

Referred to: ADH AFA APP CAF (DUJ) EAG GCL LEG RAR RRR WAW

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B11

Staff Assignments

OPR Staff J Auch
Staff Counsel M Cox
OCRs ()

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level

5

Due Dates

Previous Current

Table with 3 columns: Item Number (1-40), Previous Due Date, Current Due Date. Includes items like 'Agenda - Regular', 'Standard Order', 'Close Docket or Revise CASR'.

Recommended assignments for hearing and/or deciding this case: Full Commission X Commission Panel Hearing Examiner Staff Date filed with RAR: 09/09/1998 Initials: OPR Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows:

Deferred from 9-1-98 agenda

Hearing Officer(s)

Table for Hearing Officer(s) with columns: Commissioners (ALL, JN, DS, CL, GR, JC), Hrg. Exam., Staff.

Prehearing Officer

Table for Prehearing Officer with columns: Commissioners (JM, DS, CL, GR, JC), ADM.

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: Date: 09/14/1998

Case Scheduling/Rescheduling Advice

02/10/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - W Cox
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From: Office of Chairman Julia L. Johnson

Docket No. 971399-TP

Title: Petition of BellSouth
Telecommunications, Inc. to lift
marketing restrictions imposed by Order
PSC-96-1569-FOF-TP.

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FEB 17 1998

1. Schedule Information

FPSC - Records/Reporting

Event	Former Date	New Date	Location	Time
Prehearing Conference		06/01/1998	Tallahassee, 152	13:30-16:00
Hearing		06/18/1998	Tallahassee, 148	09:30-17:00

Remarks: Docket(s): 971399

2. Hearing/Prehearing Assignment Information:

Former Assignments

New or Changed Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		

Hearing	Commissioners						Hrg. Exam.	Staff
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Prehearing
Officer

Commissioners						
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Commissioners						
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Remarks:

Document ID is 97139901.CCS

PSC/NAN 8 (01/98)

FORM KEY IS 021098133501

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971399-TP Date Docketed: 10/21/1997 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order "SC-96-1569-FOF-TP.
 Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF (CRJ) EAG GCL LEG RAR RRR WAW
 ("(") indicates OPR) _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule

Program/Module B11

Staff Assignments

<u>OPR Staff</u>	<u>J Audu</u>	_____

<u>Staff Counsel</u>	<u>W Cox</u>	_____
<u>OCRs ()</u>		_____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

2

	Due Dates	
	Previous	Current
1. Staff Recommendation	01/08/1998	01/22/1998
2. Agenda - Regular	01/20/1998	02/03/1998
3. Standard Order	02/10/1998	03/02/1998
4. Close Docket or Revise CASR	01/22/1998	03/02/1998
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Recommended assignments for hearing and/or deciding this case:
 Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____
 Date filed with RAR: 01/09/1998
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JW	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JW	DS	CL	GR	JC	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JLJ/wj
 Date: Banding 1/23/98

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971399-TP Date Docketed: 10/21/1997 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP.
 Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF (CHU) EAG GCL LEG RAR RRR WAW
 ("(") indicates OPR) _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B11

Staff Assignments

OPR Staff J Audu

Staff Counsel W Cox

OCRs () _____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

1

Due Dates

Previous Current

1. Staff Recommendation	12/04/1997	01/08/1998
2. Agenda - Regular	12/16/1997	01/20/1998
3. Standard Order	01/05/1998	02/10/1998
4. Close Docket or Revise CASR	01/22/1998	03/02/1998
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 12/03/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
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- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	GR	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: JLJ Inf
 Date: Pending 12/7/97

C

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971399-TP Date Docketed: 10/21/1997 Title: Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP.
 Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF (CRJ) EAG GCL LEG RAR RRR WAW
 ("X" indicates OPR) _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B11

Staff Assignments

OPR Staff J Audy

Staff Counsel W Cox

OCRs () _____

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**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**
 Current CASR revision level

0

Due Dates

Previous Current

1. Staff Recommendation	NONE	11/20/1997
2. Agenda - Regular	NONE	12/02/1997
3. Standard Order	NONE	12/22/1997
4. Close Docket or Revise CASR	NONE	01/22/1998
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 11/04/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	GR	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 11/04/1997

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 3 Date 5-10-99 Copies Per Original 18
 Requested By Henry Wang

Item Presented _____
 Agenda For (Date) _____ Order No. 99-0920 In Docket No. 97-399
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>18</u>	<u>Commission Offices</u>	<u>--</u>	<u>_____</u>
<u>0</u>	<u>Docket Mailing List - Mailed</u>	<u>_____</u>	<u>_____</u>
<u>19</u>	<u>Docket Mailing List - Faxed</u>	<u>_____</u>	<u>_____</u>

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 862 Verified By Michael
 Date and Time Completed 5/12 Job Checked For Correctness and Quality (Initial) u

Mail Room Verification

Date Mailed / Verified By /

MEMORANDUM

May 5, 1999

RECEIVED-FPSC ✓

Jan
99 MAY 10 PM 10:49

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC CB*
RE: DOCKET NO. 971399-TP -In re: Petition of BellSouth
Telecommunications, Inc. to lift marketing restrictions
imposed by Order No. PSC-96-1569-FOF-TP.

99-0920-FOF

Attached is an:

ORDER CLOSING DOCKET

to be issued in the above-referenced docket. (Number of pages in
order - 4)

WPC/slh
Attachment
cc: Division of Communications
I:971399.WPC

Rev. 3:46

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 2 Date 4/1/81 Copies Per Original 101
 Requested By [Signature]

Item Presented _____
 Agenda For (Date) _____ Order No. 97-511 In Docket No. 111
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>11</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>16</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 27 Verified By [Signature]
 Date and Time Completed 4/5 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification

Date Mailed 1 Verified By 1

M E M O R A N D U M

March 9, 1999

RECEIVED-FPSC

99 MAR 24 PM 3:41

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC
MB*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER NO. PSC-96-1569-FOF-TP.

99-0545-PCO-TP

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

WC/lw

Attachment

cc: Division of Communications (Audu)

I:971399A.ALC

MUST GO TODAY

6/1

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 10/30/98
 Number of Originals 11 Copies Per Original 15
 Requested By Keith

Item Presented
 Agenda For (Date) _____ Order No. 512-14159 In Docket No. 171399
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>15</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>(1)</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>(1)</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 116 Verified By Michael
 Date and Time Completed 11/4 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed / Verified By /

MEMORANDUM

October ²⁸/₂₆, 1998

RECEIVED PSC

98 OCT 28 AM 10:58

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: DOCKET NO. 971399-TP - Petition of BellSouth Telecommunications, Inc. To lift marketing restrictions imposed by Order No. PSC-96-1569-FOF-TP.

PSC-98-1469-FOF-TP

Attached is a **Final Order on BellSouth Telecommunications, Inc.'s Petition to Lift Marketing Restrictions**, to be issued in the above-referenced docket. (Number of pages in order - ~~21~~)

12/11

WPC/slh
 Attachment
 cc: Division of Communications
 I:971399or.wpc

9/11

*2/9
 Feb. 10, 11*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 1/1/
 Number of Originals 10 Copies Per Original 17
 Requested By [Signature]

Item Presented

Agenda For (Date) _____ Order No. 15-000 In Docket No. 471
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>17</u>	<u>Commission Offices</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>Docket Mailing List - Mailed</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>Docket Mailing List - Faxed</u>	<u>---</u>	<u>---</u>

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 176 Verified By [Signature]
 Date and Time Completed 4/77 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification

Date Mailed 1/ Verified By 1/

MUST GO TODAY

MEMORANDUM

RECEIVED

June 12, 1998

JUN 12 1998
10:25AM
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC NCB*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

98-0809-PHO-TP

Attached is a PREHEARING ORDER, to be issued in the above-referenced docket. (Number of pages in order - 10)

WPC/slh
Attachment
cc: Division of Communications
I:971399po.wpc

See 2

called 1 wanted -

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 5-4-98
 Number of Originals 2 Copies Per Original 420
 Requested By Patricia 14

Item Presented

Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of _____ For (Date) 6/12/98 In Docket No. 97135
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>21</u>	<u>Commission Offices</u>	<u>300</u>	<u>(12720) 2</u>
<u>99</u>	<u>Docket Mailing List - Mailed</u>		
	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 12 Verified By W.S.
 Date and Time Completed 5-5-98 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed 5/5/98 Verified By A.J.

MEMORANDUM

May 1, 1998

RECEIVED

MAY 01 1998

10:35
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC/MB*
RE: DOCKET NO. 971399-TP - PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER NO. PSC-96-1569-FOF-TP

Attached is a Notice of Commission Hearing and Prehearing Conference to be issued in the above referenced docket. (Number of pages in order - 2)

WPC/slh
Attachment
cc: Division of Communications (Audu)
I:/971399no.wpc

*sent to M-R,
5/4/98*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 4/2/98

Number of Originals 3

Copies Per Original 1

Requested By Lutz B. Smith

Item Presented

Agenda For (Date) _____

Order No. 98-0171

In Docket No. 971355

Notice of _____

For (Date) _____

In Docket No. _____

Other _____

Special Handling Instructions

Distribution/Mailing

Number

Distributed/Mailed To

Number

Distribution/Mailed To

18

Commission Offices

--

(1)

Docket Mailing List - Mailed

(6)

Docket Mailing List - Faxed

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 91

Verified By Michael

Date and Time Completed 4/8

Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed /

Verified By /

MEMORANDUM

April 1, 1998

RECEIVED

APR - 1 1998
1:20
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC/MB*

RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

98-0471-PCO-TP

Attached is an ORDER GRANTING INTERVENTION to be issued in the above-referenced docket.

(Number of pages in order - 3)

WPC/lw

Attachment

cc: Division of Communications

I:971399OR.WPC

See 1

*faxed -
mailed - 6/1 RAR*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 2 / 26 / 98
 Number of Originals 10 Copies Per Original 18

Requested By Robert G. Matis

Item Presented _____
 Agenda For (Date) _____ Order No. 98-0330 In Docket No. 971399
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>18</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>(1)</u>	<u>Docket Mailing List - Mailed</u> <u>RAM</u>	_____	_____
<u>(2)</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 21 Verified By [Signature]
 Date and Time Completed 3/3 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification
 Date Mailed / Verified By /

RECEIVED

FEB 25 1998

1:55

FPSC - Records/Reporting

MEMORANDUM

February 25, 1998

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC WCB*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

98-0330-PCD-TP

Attached is an ORDER ESTABLISHING PROCEDURE, with attachments,
to be issued in the above referenced docket. (Number of pages in
order - 10)

WPC/anr
Attachment
cc: Division of Communications
I: 971399pr.wpc

MUST GO TODAY

*boxed
inserted
5/11*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 2/17/98
 Number of Originals 5 Copies Per Original 1
 Requested By [Signature]

Item Presented
 Agenda For (Date) _____ Order No. 98-0393 In Docket No. 97135
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>18</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>(1)</u>	<u>Docket Mailing List - Mailed</u> <u>CR</u>	_____	_____
<u>(1)</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 207 Verified By W.S.
 Date and Time Completed 2-23 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification
 Date Mailed _____ Verified By _____

MEMORANDUM

February 16, 1998

RECEIVED

FEB 17 1998

11/4
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WLC MB*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

98-0293-FOF-TP

Attached is an ORDER DENYING MOTION TO DISMISS, to be issued
in the above referenced docket. (Number of pages in order - 5)

WPC/anr
Attachment
cc: Division of Communications
I: 971399md.wpc

10/11 RAR

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 2 / 9 / 98
 Number of Originals 2 Copies Per Original 24
 Requested By [Signature]

Item Presented _____
 Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of workshop For (Date) 2/11/98 In Docket No. 14-11-98
 Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>24</u>	<u>Commission Offices</u>		
<u>(14)</u>	<u>Docket Mailing List - Mailed</u>		
<u>(10)</u>	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 156 Verified By _____
 Date and Time Completed 2-16 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification
 Date Mailed _____ Verified By _____

MEMORANDUM

February 5, 1998

RECEIVED

FEB 11 1998

1.40
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC MCB*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

Attached is a NOTICE OF STAFF WORKSHOP to be issued in the
above referenced docket. (Number of pages in notice - 2)

WPC/bm
Attachment
cc: Division of Communications (Audu)
I: 971399nw.wpc

73/14

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 11 / 11 / 97
 Number of Originals 2 Copies Per Original 19
 Requested By Bute

Item Presented _____
 Agenda For (Date) _____ Order No. 97-1544 In Docket No. 97-1349
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Distribution/Mailing			
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
	<u>Docket Mailing List - Mailed</u>	_____	_____
	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 151 Verified By W.S.
 Date and Time Completed 12-18 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____

RECEIVED

DEC 11 1997

9.20

FPSC - Records/Reporting

MEMORANDUM

December 12, 1997

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC mcB*

RE: DOCKET NO. 971399-TP - Petition of BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP. *PSC-97-1571-FCO-TP*

Attached is an ORDER GRANTING INTERVENTION to be issued in the above referenced docket. (Number of pages in order - 2)

WPC/bm

Attachment

cc: Division of Communications (Audu)

I: 971399mc.int

*for
market - 5/1*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 12/16/77
 Number of Originals 2 Copies Per Original 19
 Requested By Kurtz

Item Presented _____
 Agenda For (Date) _____ Order No. 92-1-2 In Docket No. _____
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	---	_____
_____	<u>Docket Mailing List - Mailed</u>	_____	_____
_____	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 119 Verified By WS
 Date and Time Completed 12-18 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____

MEMORANDUM

December 12, 1997

RECEIVED

DEC 14 1997

⁹³⁰
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC meo*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP.

PSC-97-1570-PCO-TP

Attached is an ORDER GRANTING INTERVENTION to be issued in the
above referenced docket. (Number of pages in order - 2)

WPC/bm
Attachment
cc: Division of Communications (Audu)
I: 971399tw.int

5/1

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 12/16/97
 Number of Originals Requested By 2 Copies Per Original 19
 Requested By Keith

Item Presented _____
 _____ Agenda For (Date) _____ Order No. 97-155 In Docket No. 41100
 _____ Notice of _____ For (Date) _____ In Docket No. _____
 _____ Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	Commission Offices	<u>--</u>	_____
<u>2</u>	Docket Mailing List - Mailed	_____	_____
<u>2</u>	Docket Mailing List - Faxed	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 152 Verified By W.S.
 Date and Time Completed 12-18 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification
 Date Mailed _____ Verified By _____

MEMORANDUM

December 12, 1997

RECEIVED

DEC 11 1997

9.20
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (COX) *WPC*
RE: DOCKET NO. 971399-TP - PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS
IMPOSED BY ORDER PSC-96-1569-FOF-TP. *PSC-97-1569-PCO-TP*

Attached is an ORDER GRANTING INTERVENTION to be issued in the
above referenced docket. (Number of pages in order - 2)

WPC/bm
Attachment
cc: Division of Communications (Audu)
I: 971399FC.INT

*WPC-51
Audi*

State of Florida



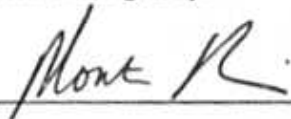
Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 22, 1998
TO: Blanca Bayo, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: DOCKET NO. 971399-TP, HEARING HELD 6-18-98

Attached for filing in the docket file of the captioned case are Exhibits 1 through 8, representing all exhibits marked and received into evidence during the hearing, including Late-Filed Exhibit 7.

Acknowledged by:



JK:pc



State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 29, 1998
TO: Blanca Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: DOCKET NO. 971399-TP, HEARING HELD 6-18-98

RE: PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. TO LIFT
MARKETING RESTRICTIONS IMPOSED BY ORDER PSC-96-1569-FOF-TP.

DOCUMENT NO. 06689, 6-24-98

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, CMU, SOLD

Acknowledged by:

MKS

JK/pc

PSC/RAR 28 (Rev7/94)



State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 3, 1998
TO: Blanca Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: DOCKET NO. 971399-T1, PREHEARING HELD 6-1-98

RE: PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. TO LIFT
MARKETING RESTRICTIONS IMPOSED BY ORDER PSC-96-1569-FOF-TP.

DOCUMENT NO. 05951, 6-3-98

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, CMU

Acknowledged by:

JK

JK/pc

PSC/RAR 28 (Rev7/94)



State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE:

TO: Blanca Bayó, Director, Records and Reporting

FROM: Joy Kelly, Chief, Bureau of Reporting

RE: DOCKET NO. 950495 - Item 28 971618 - Item 6
771399 - Item 12 971157 - Item 16
971482 - Item 10

RE: *Agenda items transcripts*

DOCUMENT NO: 02070, 02071, 02072, 02069, 02068

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

Acknowledged by:

Sidie Schmidt

JK/pc

PSC/RAR 28 (Rev 7/94)

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

A-C-K-N-O-W-L-E-D-G-M-E-N-T

DATE: 02/17/98

TO: Nancy B. White
FROM: A. Schmidt, DIVISION OF RECORDS AND REPORTING
RE: ACKNOWLEDGMENT OF RECEIPT OF CONFIDENTIAL FILING

THIS WILL ACKNOWLEDGE RECEIPT OF A **CONFIDENTIAL DOCUMENT**
FILED IN DOCKET NO. 711299 - 7 P OR (IF FILED IN AN UNDOCKETED
MATTER) CONCERNING Moving restrictions, AND
FILED ON BEHALF OF Bill South (GENERAL DESCRIPTION). THE
DOCUMENT WILL BE MAINTAINED IN LOCKED STORAGE.

ANY QUESTIONS REGARDING THIS MATTER SHOULD BE DIRECTED TO
KAY FLYNN AT (850) 413-6744.

PSC/RAR 19 (7/97)

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW
501 EAST TENNESSEE STREET
POST OFFICE DRAWER 1057
TALLAHASSEE, FLORIDA 32302

TELEPHONE (850) 222-1534
TELECOPIER (850) 222-1602

RECEIVED

JAN 20 1998

FPSC - Records/Reporting

TELECOPY

DATE: 1 16-98

TO: RECORDS AND REPORTING

413 7118 FAX

FROM: PAM KETLLOR

THIS TELECOPY CONSISTS OF 1 PAGE INCLUDING THIS COVER PAGE. PLEASE DELIVER AS SOON AS POSSIBLE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (904) 222-1534.

Please add Donna Canzano to the interested persons list for the following dockets.

~~971453~~ ✓
971453 ✓ - Pat Wiggins already on list.
970526 ✓

Thanks :)

added 1/20/98
148



November 12, 1997

-----VIA FACSIMILE-----

Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 971395-TC
Docket No. 971411-TC

Docket No. 971399-TP
Docket No. 971412-TC

Dear Ms. Bayó:

The Florida Public Telecommunications Association, Inc. requests that it be included on the mailing list as an interested entity in each of the above-referenced dockets. Please address all correspondence as follows:

Angela B. Green, General Counsel
Florida Public Telecommunications Association, Inc.
125 South Gadsden Street, Suite 200
Tallahassee, Florida 32301

Thank you for your assistance with this matter.

Sincerely,



Angela B. Green
General Counsel

971395mailinglist.doc

RECEIVED
NOV 6 8 37 AM '97
ADMINISTRATIVE
MAIL ROOM

LAW OFFICES
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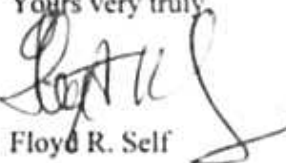
Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 971399-TP, Petition of Bellsouth Telecommunications, Inc. to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP

Dear Ms. Bayo:

Please add this firm to the mailing list for the above captioned case directing all pleadings, orders, notices, or other materials to the undersigned.

Thank you for your assistance in this matter.

Yours very truly,

Floyd R. Self

FRS/amb

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

October 23, 1997

Nancy B. White, Assist General Counsel-Florida
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

Re: Docket No. 971399-TP

Dear Ms. White:

This will acknowledge receipt of a petition BellSouth Telecommunications, Inc. to lift marketing restrictions imposed by Order PSC-96-1569-FOF-TP, which was filed in this office on October 21, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission

Public Service Commission

Docket # 971399-TP

Contents

DOCKET NO. 971399-TP

EXHIBITS FOR TRANSCRIPT DATED: 06/18/1998

Beginning Exhibit # 1

Ending Exhibit # 8

EXHIBIT NO. 1

DOCKET NO.: 971399-TP

WITNESS: Sandra Seay

PARTY: MCI

DESCRIPTION: May 22, 1998 Deposition
Transcript and Errata Sheet

PROFFERING PARTY: Staff

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 971399-TP EXHIBIT NO. 1
COMPANY: Seay
WITNESS: Seay
DATE: 6-11-98

I.D. # SS - 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Petition of BellSouth
Telecommunications, Inc. to lift
marketing restrictions imposed by
Order PSC-96-1569-FOF-TP.

DOCKET NO. 971399-TP

TELEPHONE
DEPOSITION OF:

SANDRA SEAY

TAKEN AT THE
INSTANCE OF:

FPSC STAFF

PLACE:

FPSC
2540 SHUMARD OAK BOULEVARD
SUITE 362
TALLAHASSEE, FLORIDA

TIME:

COMMENCED AT 1:00 P.M.
CONCLUDED AT 2:30 P.M.

DATE

MAY 22, 1998

REPORTED BY:

NANCY S. METZKE, RPR, CCR
COURT REPORTER
POST OFFICE BOX 3093
TALLAHASSEE, FLORIDA 32315

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IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this cause; and that reading and signing was not waived.

IT IS ALSO STIPULATED that any off-the-record conversations are with the consent of the deponent.

03

P R O C E E D I N G S

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3 MR. COX: If the notary could swear in Ms. Seay.

4 MR. BOND: Yeah, one more minute, she is still
5 looking for the fax. Hold on, let me peak down the
6 hall and see if she has that yet. I can have the
7 court reporter administer the oath right now.

8 MR. COX: That would be fine.

9 MR. BOND: Okay.

10 MS. MURRAY: Raise your right hand. Do you swear
11 to tell the whole truth and nothing but the truth so
12 help you?

13 WITNESS SEAY: I do.

14 MR. COX: At this time we'll take appearances.

15 MR. BOND: Tom Bond on behalf of MCI
16 Telecommunications.

17 MS. WHITE: Nancy White on behalf of BellSouth
18 Telecommunications.

19 MS. RULE: Marsha Rule on behalf of AT&T.

20 MR. McGLOTHLIN: This is Joe McGlothlin for the
21 Florida Competitive Carriers Association. Let me make
22 an appearance for Vicki Kaufman of my firm as well.
23 It's possible she may take my place at some point
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25 MR. COX: Will Cox on behalf of the Commission

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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1 APPEARANCES:

2 WILLIAM P. JOX, ESQUIRE, Florida Public Service
3 Commission, 2540 Shumard Oak Boulevard, Room 370,
4 Tallahassee, Florida 32399.

5 JOE McGLOTHLIN, ESQUIRE, and VICKI GORDON
6 KAUFMAN, ESQUIRE (by phone), FCCA, McWhirter, Reeves,
7 McGlothlin, Davidson, Rief & Bakas, P.A., 117 South Gadsden
8 Street, Tallahassee, Florida 32301.

9 THOMAS K. BOND, ESQUIRE (by phone), MCI, 780
10 Johnson Ferry Road, Suite 700, Atlanta, Georgia 30342.

11 MARSHA RULE, ESQUIRE (by phone), AT&T, 101 N.
12 Monroe Street, Suite 700, Tallahassee, Florida 32301.

13 NANCY WHITE, ESQUIRE (by phone), BellSouth, 150
14 S. Monroe Street, Suite 400, Tallahassee, Florida
15 32301-1556.

16 ALSO PRESENT:

17 JONATHAN AUDU, FPSC Staff.

18 * * * *

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STIPULATION

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I N D E X

PAGE NO.

STIPULATIONS	3
ERRATA SHEET	59
CERTIFICATE OF DEPONENT	60
CERTIFICATE OF REPORTER	61

WITNESS

SANDRA SEAY

Examination by Mr. Cox	6
Examination by Ms. White	49

04

P R O C E E D I N G S

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21 Florida Competitive Carriers Association. Let me make
22 an appearance for Vicki Kaufman of my firm as well.
23 It's possible she may take my place at some point
24 here.

25 MR. COX: Will Cox on behalf of the Commission

1 staff. Do all of the attorneys on the line agree to
2 the usual stipulations for this deposition?

- 3 MR. BOND: MCI does.
- 4 MS. WHITE: BellSouth does.
- 5 MS. RULE: AT&T does.
- 6 MR. McGLOTHLIN: FCCA does.

9 * * * *

10 Whereupon,

11 SANDRA SEAY

12 was called as a witness by the FPSC Staff and, after being
13 first duly sworn, was examined and testified as follows:

14 EXAMINATION

15 BY MR. COX:

16 Q Good afternoon, Ms. Seay. I'm Will Cox, and I'm
17 representing the Commission staff for this deposition. I
18 would like for you to start just by stating your name for
19 the record.
20

21 A My name is Sandra Seay. The last name is spelled
22 S-e-a-y.

23 Q And what is your current business address?

24 A I'm employed by MCI Telecommunications,
25 Incorporated -- or Corporation.

56

1 Q And where are you located?

2 A I'm located at 780 Johnson Ferry Road, Atlanta,
3 Georgia, 30342.

4 Q And in what capacity are you employed by MCI?

5 A I'm a regional support manager in our law and
6 public policy group.

7 Q Okay. What does that position involve?

8 A I manage a group of employees that support
9 regulatory functions. We assist our regulatory attorneys
10 in state matters.

11 Q Okay. Now how long have you been employed by
12 MCI?

13 A Ten years.

14 Q And in what capacities have you been employed
15 through those ten years?

16 A I started my career at MCI in our customer
17 service center as a representative on the phone during the
18 height of interLATA equal access. I from there was a
19 supervisor, supervisor one, supervisor two, supervisor
20 three; and in those, in the supervisory role I have been in
21 charge of a group of employees that would handle escalated
22 complaints from consumers that were sent to public service
23 commissions in the southeast states and to the FCC. Then I
24 later worked in our carrier management organization,
25 working issues between the local phone companies and MCI to

1 A Once they understood that they needed to make a
2 selection and if they didn't they would be allocated to a
3 carrier, then their questions would be about what, you
4 know, how can they dial with MCI if they were to select us
5 as their long distance carrier. I think dialing was
6 probably the next most frequently asked question.

7 Q Okay. You said you were supervisor one and two
8 and you moved up the ranks then. In the testimony is that
9 where you say you were a manager one, manager two; is that
10 the same position that you're referring to when you said
11 supervisor one and two?

12 A The supervisor is different than a manager.

13 Q Okay.

14 A I supervised customer service teams, and then I
15 managed -- I became a manager when I started handling or
16 managing the groups that handled escalated complaints from
17 consumers.

18 Q Okay. And that was starting in 1991?

19 A Yes, that's correct.

20 Q What is your experience with regard to the
21 intraLATA market?

22 A IntraLATA, when I was in our carrier market group
23 or carrier management group, in dealing with BellSouth and
24 Southwestern Bell, the states -- the public service
25 commissions were ordering, you know, intraLATA competition,

1 and I would work with the account teams within BellSouth
2 and Southwestern Bell to understand what the environment
3 was going to be like once this competition was in full
4 force. One of the first states to go up with competition
5 was Kentucky, and then we had Florida and Georgia in the
6 BellSouth region where the states actually ordered
7 intraLATA competition.

8 So I worked a lot with BellSouth's account team
9 and business members to understand how a customer would be
10 treated in this new competitive environment. We were able
11 to work through a lot of it, the issues, and understand the
12 billing systems and the order processing of those new
13 orders that would be received at BellSouth if a customer
14 picked another carrier other than BellSouth.

15 Q You mentioned proceedings in Kentucky and
16 Georgia. Do you know what the status of the proceedings
17 are in Kentucky?

18 A I'm not aware of any change other than -- I mean
19 it was a couple -- it was about a year and a half or two
20 years ago. I think they had a final order with, you know,
21 rules and stipulations as far as what could or couldn't be
22 done in the business offices. I'm not aware that there is
23 any change in that.

24 Q Were those the results of any complaint by long
25 distance carriers such as MCI?

1 A Yes, it was a complaint filed by MCI and AT&T.

2 Q Okay. And the commission imposed some sort of
3 restrictions through its rules there in Kentucky?

4 A Yes.

5 Q Do you know if those restrictions are still in
6 place?

7 A I'm not aware that they have been lifted.

8 Q Okay. So most of them were permanent, or were
9 they time sensitive?

10 A I would have to go back to the order. I
11 believe -- I would have to go back to the order.

12 Q Do you know what types of restrictions they
13 imposed in Kentucky?

14 A They were marketing restrictions on how the
15 verbiage that was to be used with new and existing
16 customers when they called in to BellSouth's business
17 office.

18 Q Okay. Is it similar to what we have done here in
19 Florida?

20 A Yes, it is.

21 Q Okay. Is there any differences that you can
22 think of?

23 A No.

24 Q Okay. What about Georgia, was it a similar
25 situation in Georgia?

1 A Yes, it was.

2 Q Okay. And so some restrictions were imposed in
3 Georgia through rules or a commission order?

4 A There were, but I don't believe they were
5 identical to Florida or Kentucky.

6 Q Okay. Do you know how they were different?

7 A Again, I'd have to go back to the order. I would
8 have to go back and look at them to be specific.

9 Q Do you have -- for either Kentucky or Georgia do
10 you have order numbers you could cite us to?

11 A No, I don't, but I could provide orders,
12 information after this. I mean --

13 Q Okay. That would be fine. Now have you ever
14 testified before the Florida Public Service Commission?

15 A Yes, I have.

16 Q In which proceedings?

17 A It was in the intraLATA proceeding.

18 Q Okay. In this proceeding on whose behalf are you
19 testifying?

20 A MCI's, AT&T and the Florida Competitive Carriers
21 Association.

22 Q I'd like to turn back to the direct testimony
23 that you filed in this proceeding. Turning to page 4 of
24 your direct testimony, towards the bottom where you are
25 discussing the purpose of your testimony, you state at

1 line -- starting at, I guess, line 20, you state: "Because
2 of its unique position as the gate keeper for intraLATA
3 service, BellSouth's initial customer contact must be
4 neutral. BellSouth should use the same competitively
5 neutral practices when talking to their customers about
6 intraLATA choices as they use when talking to them about
7 interLATA choices."

8 Do you see those lines?

9 A Yes, I do.

10 Q Okay. Now do you believe that the choices that
11 are made with regard to intraLATA and interLATA are the
12 same sorts of choices?

13 A Yes, I do.

14 Q Okay. Why do you believe that is true?

15 A The customer is being given the opportunity to
16 make a selection of their intraLATA carrier. I believe
17 there is maybe approximately 140 competitors that offer
18 intraLATA services and as well as there being given the
19 choice of being able to select an interLATA carrier, and
20 there are probably 140 or more competitors that offer that
21 service. And BellSouth is currently still the monopoly
22 local phone company that new customers must go to in order
23 to obtain their local service, and at that time, when they
24 are establishing their new local account, they will be
25 informed of these two choices in addition to the local

1 service that they have. It has been proven that the
2 process that is in place for interLATA has created a very
3 fair and competitive market. Bell was not able to promote
4 one company over another, so a customer was just given a
5 list of carriers that are available to them if they didn't
6 already have a carrier in mind.

7 And I believe that the same processes need to be
8 in place for intraLATA. This is a new competitive
9 market. It is something that the customer should not be
10 swayed to one company over the other by BellSouth because
11 of the position they are in. Bell in the interLATA arena
12 made itself, proved itself able to do the neutral
13 processes, and I believe in the intraLATA they have proven
14 that they can be neutral in the processes that have been
15 imposed and that are currently in place by the Commission
16 because there is a small percent of market that is actually
17 out there using these competitive carriers. Bell still
18 obtains -- you know, has 70 some percent, 73% according to
19 their information, of all the customers and they are not
20 saying anything. I believe that if they are allowed to
21 market on this new customer call that that 73% will
22 increase greatly, therefore, diminishing the competition
23 that is underway in the State of Florida. So I believe the
24 two processes need to stay similar and in place.

25 Q So am I to understand that you are saying based

1 on the market share data that BellSouth has provided in
2 this proceeding, that that in itself shows a lack of
3 neutrality? Is that what I understood you to say?

4 A No, I believe it does show that they are -- their
5 neutral processes that are currently in place are at least
6 allowing 27% of the market to select another carrier. My
7 fear is, is that if they are allowed -- if the restriction
8 is lifted off of the new customer calls, that that 73% will
9 greatly increase and your 27% will decrease impeding
10 competition; that I believe the spirit of the Commission's
11 order was to, you know, increase competition and allow the
12 140 competitors to be a viable choice to the public.

13 Q Why do you think that if the restrictions were
14 lifted the market share would immediately be greater for
15 BellSouth and diminished for the other carriers?

16 A I mean they've shown that even without being able
17 to say anything other than read the list they already have
18 73% of the market. If we allowed them to market to new
19 customers and try to persuade a customer on that call that
20 they are the better carrier or maybe infer that they are
21 the only carrier, customers may be -- you may not
22 understand or not be fully educated that there are options
23 out there for them to have another company.

24 If BellSouth, during interLATA equal access had
25 been allowed to say, you know, AT&T is your carrier

1 currently but if you don't want to keep AT&T you can pick
2 another carrier off this list I'm going to read, a lot of
3 customers probably would never have wanted to hear the list
4 because they felt comfortable with what they had had for
5 all those years. So in the interLATA practices, they were
6 not allowed to tout or promote one company over another, so
7 we feel that neutral process has allowed competition, and
8 we feel that what the Commission has already ruled in the
9 intraLATA environment is at least allowing 27% of the
10 population to choose amongst the other competitors. If
11 that option goes away, that 73% could end up being 93% very
12 quickly.

13 Q Assume for a minute that market share did stay at
14 73%. At what point do you think that there would be
15 sufficient competition so that the restrictions could be
16 lifted, indicating that there is a thriving competitive
17 market and there is no longer a need for the restrictions?
18 Is there a specific number that you have in mind, or how
19 would the Commission determine that?

20 A I think looking at the local competition is
21 relevant to this. I think it's currently, BellSouth is
22 still the monopoly local phone company. The companies like
23 MCI with Metro have tried to enter the marketplace, and I
24 believe that the Commission has ordered that BellSouth OSS
25 systems are inadequate for us to order workable services

1 through BellSouth on the local side. And I don't know that
2 Bell has come back to the Commission to prove up their OSS
3 systems, but I believe that this is really closely related
4 to the fact that these customers are still going to the
5 local monopoly, which is BellSouth; and as long as
6 customers feel or do have to go to BellSouth for their
7 local service and in combination with their local service
8 they are being offered their interLATA and their intraLATA
9 service, that is what is going to impede competition. Once
10 their systems are up and we are able to compete fairly with
11 BellSouth in the local arena, I believe at that time the
12 Commission could re-look at these restrictions concerning
13 intraLATA and BellSouth.

14 Q At the top of page 5 -- this is just a
15 clarification question -- starting at line 1 there, and I
16 think based on your last response, that this is what you
17 meant. It says: "This practice would be impermissible in
18 the interLATA market and should be equally impermissible in
19 the intraLATA market."

20 Is that correct?

21 A Correct.

22 Q Okay. On page 6 of your testimony, you talk
23 about some of the Commission -- the Florida Commission's
24 earlier actions regarding intraLATA subscription, you talk
25 about a '95 order that was issued; and at line 20 you state

1 on page 6: "In other words, MCI and FCC gave up their
2 right to argue in favor of balloting as a way to open up
3 the intraLATA market in exchange for BellSouth agreeing to
4 a competitively neutral practice."

5 Could you explain to me what you mean by that
6 comment?

7 A It's my understanding that we at that time agreed
8 to not ballot and to go by --

9 Q When you say a "competitively neutral practice"
10 there, do you mean, you know, some sort of permanent
11 competitively neutral practice in exchange for a one-time
12 balloting; is that what you're saying?

13 A Can you ask your question again?

14 Q Sure. You say that -- in the next line you say
15 that MCI and the FCC gave up their right to argue in favor
16 of balloting in exchange for BellSouth agreeing to a
17 competitively neutral practice, and what I'm asking, was
18 that intended from your understanding to be a permanent
19 competitively neutral practice?

20 A That is correct.

21 Q Okay. Whereas the balloting would have been a
22 one-time deal?

23 A Correct.

24 Q Okay. Turning to page 7 where you discuss an FCC
25 order that was released in August of 1985 regarding equal

1 access, and you cited at line 7 after quoting from it. Do
2 you see where I'm referring to?

3 A Yes.

4 Q The question I have is -- and I understand that
5 you're not an attorney, but in your lay opinion, does the
6 FCC require local exchange carriers, the LECs, to use the
7 same customer contact protocol when dealing with intraLATA
8 presubscription as for interLATA presubscription?

9 A I'm just rereading the section.

10 Q Sure, take your time.

11 MR. McGLOTHLIN: Will, would you read your
12 question again please?

13 MR. COX: Sure.

14 BY MR. COX (CONTINUING):

15 Q Recognizing Ms. Seay is a lay person, I'm asking
16 whether or not the FCC in its orders requires the local
17 exchange carriers to use the same customer contact protocol
18 when dealing with intraLATA presubscription as for
19 interLATA presubscription -- as it does for interLATA
20 presubscription.

21 A I would have to say I don't know.

22 Q Could you tell me what the purpose of the portion
23 that you cited from the FCC order is in your testimony,
24 what's the purpose of you citing that section of the FCC
25 order?

1 A I believe it shows what the FCC felt was fair for
2 interLATA.

3 Q So it had no bearing to your knowledge on
4 intraLATA presubscription, subject to check?

5 A Okay.

6 Q Turning to page 8 where you are discussing the
7 interLATA requirements on which the intraLATA requirements
8 were based, and the question had asked: Are these
9 requirements relevant today? And that's at line 1 on page
10 8. And my question is, and it relates back, I think, to
11 the market share information we were discussing earlier,
12 you know, will there be a time when the requirements will
13 not be necessary?

14 A For intraLATA?

15 Q Yes.

16 A I would say once local competition is underway in
17 the State of Florida, then the Commission would go back and
18 look at the requirements imposed or the restrictions
19 imposed on BellSouth.

20 Q I guess the question here was addressing
21 interLATA requirements, and so what you're telling me is
22 that the lifting of the intraLATA requirements should have
23 some direct bearing on whether or not there is local
24 competition but the lifting of the interLATA requirements
25 is separate and apart from that triggering event, or is

1 local competition important here as well?

2 A I --

3 Q Let me strike that question.

4 Moving down the page on page 8, starting at line
5 13, or actually let's start at line 11. It says: "The
6 manner in which BellSouth provides information pertaining
7 to intraLATA service options must be handled in the same
8 neutral manner in which it handles information concerning
9 interLATA competition, and this does not mean that
10 BellSouth cannot market its own service; that is entirely
11 appropriate and to be expected. Such efforts, however,
12 must be separate and distinct from its role as a dominant
13 provider of local exchange services."

14 Can you explain to me about these separate and
15 distinct efforts and give me examples of what you're
16 talking about here?

17 A We are not saying that BellSouth cannot market
18 its own products and services. They are entitled to market
19 their products and services in the very same manner that
20 all their competitors can, and their competitors can do
21 telemarketing calls. They can do TV ads. They can do
22 flyers in the mail, mail inserts. They can do radio
23 advertisements, newspaper ads. All of those methods are
24 things that each company that is offering intraLATA service
25 can utilize to market their services to the public. What

1 we are saying is that BellSouth should not be able to use
2 their position as the monopoly carrier, the company that
3 customers when obtaining new service must go to, they
4 cannot use that unique opportunity of discussing with the
5 customer their services over another company's services.

6 Q Okay. Later, further down that page, starting at
7 line 19, you talk about what you've stated previously or
8 filed previously in the joint complaint, and you say
9 that -- you pointed out in your testimony that BellSouth
10 intended to encourage its customer service representatives
11 to make a sales pitch on every call from a new customer,
12 that they should select BellSouth as their intraLATA
13 carrier. Two questions, one, what do you characterize as a
14 sales pitch?

15 A Sales pitch would be promoting one's company or
16 product over another company or product. At the time of
17 that hearing, the information provided by Bell in their
18 small business side of the house, they provided screen
19 information that indicated that they were teaching their
20 representatives or using this in their teaching tools or
21 on-line tools for their representatives to promote
22 BellSouth during conversations with customers. So it would
23 be promoting one's product or company over another.

24 Q And you believe that should be prohibited,
25 correct?

1 A That is correct. On the new customer's call I
2 believe that the BellSouth representatives should clearly
3 state the customer has the opportunity to select an
4 intraLATA carrier, and if they don't know what carrier they
5 would like to select, then the BellSouth representative
6 would offer to read the list of the carriers available to
7 the customer.

8 Q Okay. I have kind of a simple question. In this
9 proceeding we have talked about restrictions that deal with
10 new customers and restrictions that deal with existing
11 customers. How would you distinguish between a new
12 customer and an existing customer?

13 A My understanding is the restrictions on existing
14 customers are being lifted in June of this year, and we are
15 not disputing that those restrictions can be lifted. I am
16 focusing on the new customer component of this. An
17 existing customer -- to answer your question, an existing
18 customer would be one that BellSouth has on file or like a
19 customer that is moving from one location to another but
20 they will still have BellSouth as their company for their,
21 obtaining a new line, or a second line rather.

22 Q Is that before --

23 A But they can update --

24 Q Is the existing customer based on a certain, a
25 time certain, before a certain time, or for example could

1 BellSouth sign up a new customer and then in two months and
2 they are calling about some other product unrelated to
3 intraLATA, could they make a quote, unquote, sales pitch
4 for some sort of intraLATA service? Is that customer then
5 an existing customer, or is that still a new customer?

6 A An existing customer would be one that if two
7 months ago they signed up for BellSouth services but two
8 months later they would be an existing customer. It would
9 be new if they are now establishing new service.

10 Q So it's only on the initial contact that they are
11 a new customer; is that correct?

12 A That is correct.

13 Q At the end of your direct testimony you talk
14 about ways that BellSouth would -- under the current
15 restrictions or the restrictions that MCI would like to see
16 continue, you state that on line 1 of page 11 that
17 BellSouth is free to market in whatever way it chooses
18 outside of that initial customer contact, and this would
19 include television, radio and written advertisements.
20 Does that also include direct telemarketing? Would they be
21 free to telemarket?

22 A Yes, they could telemarket.

23 Q I would like to turn to the rebuttal testimony
24 that you filed in this proceeding, and this first question
25 deals with some of the market share type figures, or I

1 guess they are more activity type figures about customer
2 selection, and the question asked was, Are these statistics
3 even relevant? And it's regarding percentage of new
4 customers who choose a competitive provider. If these
5 figures are not relevant, what data would be relevant to
6 best enable the Commission to evaluate the existence of
7 competition in the intraLATA market?

8 A Again, I would have to go back to the local
9 competition, and the local market I believe is what really
10 drives what is happening in the intraLATA. I believe once
11 other competitors, MCI and others are fully in competition
12 with BellSouth, then you will truly see customers in a
13 competitive environment.

14 Q Could you explain what it means to be "fully in
15 competition with BellSouth?"

16 A Able to order services from the incumbent LEC
17 that are usable and we are able to pass on to an end user
18 that can actually use them. Again, my understanding is
19 that the Florida Commission rules that BellSouth OSS
20 system, which is the system that we must order services
21 through to be able to resell them to a customer, is
22 inadequate; and until that system is adequate and we can
23 order marketable services from BellSouth, there will not be
24 a true competitive local environment in Florida.

25 Q Would BellSouth need to make a showing of market

1 share in the local market for the competitive providers in
2 order that these types of restrictions might be lifted? Is
3 that MCI's position?

4 A I don't think I understand the question. Can
5 you --

6 Q Well, we have discussed market share of the
7 intraLATA toll, and you are seeming to tell me that what we
8 really need to look at is the local service market, not
9 necessarily the intraLATA toll market, to see whether or
10 not it would be wise to lift these restrictions. Is there
11 specific data that the Commission should look towards
12 regarding the local market, not the intraLATA toll market,
13 in order to make a decision whether or not to lift the
14 restrictions?

15 A It may be very helpful for the Commission to look
16 at local competition market share.

17 Q Do you believe that's required? Is that MCI's
18 position?

19 A I believe it would be helpful for the Commission
20 to look at that before lifting these restrictions, yes.

21 Q Well, what sorts of corroborative or what sorts
22 of support or evidence should the Commission have about the
23 local market for it to make a decision to lift these
24 restrictions?

25 A I think in looking at what is happening with the

1 local competition, their OSS systems, and I believe Bell
2 has to come back or may have to come back in front of the
3 Commission to prove up the workability of their systems to
4 allow competition. Maybe the Commission should look at
5 that side, whatever side of the house is looking at.

6 Q So as long as the OSS systems are working so that
7 competitors can compete freely, MCI would allow the
8 restriction -- or would not object to the restrictions
9 being lifted?

10 A As long as the customers actually have a choice,
11 a real choice in their local company, then there would
12 be -- I believe that proves competition. In today's
13 environment, customers do not have a true local choice for
14 their local service, and until a customer has the ability
15 to select from different carriers other than the incumbent
16 BellSouth, then there is not true local competition.

17 Q I guess what I'm trying to ask is how will the
18 Commission know when customers have a choice other than an
19 OSS system that the Commission has approved through some
20 proceeding? Is that the only way, or is there anything
21 else that you could tell me about that?

22 A Other than market true numbers, real numbers of
23 market share and if the customer has choice, I believe
24 those are two indicators. There may be more, but I don't
25 know them.

1 Q On line, starting at I guess line 9, it says on
2 page 2: "As I discuss more below, the carrier of mutual
3 protocols for new customers are necessary because BellSouth
4 maintains a virtual monopoly on local service."

5 So you're distinguishing a virtual monopoly from
6 an actual monopoly; is that correct?

7 A I believe virtual because the state has
8 ordered -- there is ordered competition, but is there truly
9 competition is the difference? Are there truly viable
10 competitors reselling or selling service in Florida, or --
11 I mean it has been ordered that there is competition. One
12 could argue that, okay, there is competition in the State
13 of Florida because it has been ordered; but when you look
14 at the state of the competition, it's been impeded by the
15 monopoly, in this case it's BellSouth, by, you know, the
16 company that a lot of the local competitors would go to to
17 resell services.

18 Q Turning to the bottom of the page at line 22, you
19 state: "BellSouth now wants to actively market to these
20 new customers when they sign up for local service, before
21 the customer even expresses any interest in BellSouth's
22 intraLATA service and before the customer knows that he has
23 other options."

24 What is the basis of this statement?

25 A In -- I'll try to find it in Hilda Geer's

1 testimony on line 7, or really starting on line 5, with the
2 question --

3 Q Okay.

4 A -- about their procedures to a customer. Line 9,
5 "BellSouth would advise the customer that he has an option
6 of selecting a long distance carrier for local toll calls,"
7 but then on line 11 they clearly put in their marketing
8 piece, "BellSouth would like to advise the customer that
9 BellSouth can provide his local toll service." And by
10 being able to tell the customer their second, I guess their
11 second component of the three here, is allowing them to
12 market up-front their services or that they are a company
13 the customer can choose from. They are not telling us here
14 that in line -- or in section two or this second part that
15 they would, BellSouth would like to advise customers that
16 MCI can provide local toll service, or AT&T can provide
17 local toll service. They are clearly using it as a way to
18 encourage the customer to focus on BellSouth. And if the
19 customer, you know, doesn't pick up on their prompts, I
20 guess -- or, you know, I don't know what else BellSouth is
21 going to say. BellSouth really hasn't told us, you know,
22 MCI, what else the representatives are going to say at that
23 point. They may very well start touting their premiere
24 plans that they have or their cost per minute, and they may
25 never get to read the list or let the customer know that

1 they have an option of, you know, I don't know how many
2 carriers are available in a BellSouth area.

3 Q In Ms. Geer's deposition this past Monday we
4 posed the question regarding that item in line 11 about
5 whether BellSouth would be amenable to indicating that the
6 customer has an option to select BellSouth or one of a
7 number of other competitive carriers for providing local
8 toll service, and she indicated that she would be amenable
9 to that. Now would you consider language along those lines
10 acceptable?

11 A I have to state that it would be better than what
12 BellSouth has proposed in her testimony, but it still is
13 allowing BellSouth the opportunity to put their name in
14 front of the customer. BellSouth is not going to say, you
15 know, MCI or AT&T's name in that discussion unless they
16 have to read the list. I would prefer, or MCI would prefer
17 that BellSouth not be allowed to have its name in the
18 forefront on new customers calling in at this portion of
19 install. We would prefer that they be told that they have
20 an option of a carrier for their intraLATA and that if they
21 don't know, if they already have a carrier in mind to go
22 ahead and let them know; if they don't know, then they
23 would be happy to read a list; and BellSouth is among the
24 carriers on that list, giving them no more leverage than
25 anybody else on the list.

1 Q Recently Sprint, the local exchange carrier, was
2 allowed to use language "in addition to us" in this type of
3 situation, where they would say, in addition to us, a
4 number of other competitive carriers can provide you with
5 local toll service. Would you object to that type of
6 language?

7 A Again, I think it's better than what Bell has
8 proposed, but it still provides an inference to the
9 customer that Bell would be -- Bell is allowed to promote
10 itself again above everybody else on the list. "In
11 addition to us" is also allowing Bell latitude with the
12 customer for dialogue in that they are the carrier that
13 should be chosen, I believe.

14 Q Turning to page 3 of your rebuttal testimony,
15 line 2, you state, "BellSouth should continue to use
16 competitively neutral practices when talking to new
17 customers about their choice of intraLATA carrier because
18 BellSouth is still the monopoly provider."

19 Is the primary evidence that you are relying upon
20 when you state that they are still the monopoly provider,
21 is it purely the market share numbers that BellSouth has
22 provided, or is there anything else?

23 A Well, I think they are still the monopoly local
24 provider, and that's what is really driving this issue; and
25 they still, without even saying anything, still have 73% of

1 the market. And I believe if they are allowed any latitude
2 with referring to themselves or making an inference to
3 themselves that we are only going to see that 73%
4 increase. It seems to me that's why BellSouth wants the
5 restrictions lifted, is because they want to gain a bigger
6 piece of the market and they want to dig into the 27% that
7 their competitors have today, according to their
8 information.

9 Q Turn to page 5 of your rebuttal testimony, and
10 you're talking about what BellSouth is requesting, what
11 they are seeking, and you speak of, "In fact --" on line 7,
12 "In fact, BellSouth proposed not to mention the names of
13 its competitors unless specifically asked."

14 And you basically go through what BellSouth is
15 proposing to do, and so that would be, I guess, in the case
16 that the restrictions on BellSouth were lifted. If the
17 restrictions were lifted, as they presently stand, do you
18 think restrictions, maybe somewhat lesser than what are
19 currently imposed, should still continue? And do you have
20 any suggestions for that?

21 A I feel the restrictions need to stay in place to
22 allow competition to grow or to exist in the intraLATA
23 environment.

24 Q So in light of the change of market share from a
25 hundred percent to 70 something percent, you don't think

1 that the restrictions need to be modified in any way by
2 this -- because of the emergence of some competition?

3 A No, I believe that with the restrictions in place
4 without being able to say anything on a new customer call,
5 they are quite capable of having 73% of the market share.
6 If the restrictions are lessened or done away with, we are
7 only going to see their market share go back up again; and,
8 therefore, competition taking a hit, and we'll see less
9 competition with them being allowed to now actively promote
10 themselves.

11 Q On line 9, on page 5 you state that -- you talk
12 about a stipulation that was approved by the Commission in
13 1995 regarding the, actually prior to the proceeding on the
14 joint complaint which required BellSouth to inform new
15 intraLATA customers of their choices in the same manner as
16 it informs new customers of their interLATA choices. Could
17 you explain to me your understanding of exactly what that
18 stipulation means as far as what BellSouth is allowed to do
19 regarding its new intraLATA customers and informing them of
20 their choices?

21 A I would understand that they must treat them the
22 same way, in a fair and neutral manner, that they would
23 have to have the neutrality that has been proven up in the
24 interLATA environment that Bell has proven they can do, and
25 that they would have to do the same neutral practices in

1 the intraLATA.

2 Q Okay. So it's your understanding that it's to be
3 the same procedure from interLATA, just impose that same
4 neutral procedure for intraLATA?

5 A That is correct.

6 Q Do you have copies of the testimony that Ms. Geer
7 filed in this proceeding?

8 A Yes, I do.

9 Q Okay. I would like to turn your attention to the
10 exhibit filed to her direct testimony, and it was labeled
11 HG-1 titled "Florida LPIC activity from 1/1/97 to 3/1/98."

12 A I have it.

13 Q Okay. Ms. Geer believes this data indicates that
14 there is thriving intraLATA competition in Florida. Do you
15 agree with her conclusion?

16 A No, I do not. I believe it indicates that with
17 the restrictions that are in place, and we are concerned
18 with service contacts, that very first portion of the
19 exhibit, I believe it clearly shows that even with the
20 restrictions in place that they are maintaining 73% of the
21 overall market and that it doesn't show that there is --
22 There is competition, but there is not a huge competition
23 in the intraLATA environment, and that if they are allowed
24 to promote themselves, that 73% that they have with
25 restrictions in place will only increase --

1 Q The 73% I understand is just on an activity
2 basis, so it's just those new connections that are made and
3 only 73% of the new customers are subscribing to BellSouth
4 as their intraLATA carrier; is that your understanding?

5 A According to the information provided by Bell,
6 and that's what we are most concerned about, are the new
7 customers, we clearly understand that the restrictions
8 imposed on existing customers will be lifted, and we don't
9 dispute that. It's clearly the new customers, the new
10 connections that we are concerned about.

11 Q So you're not as concerned about overall market
12 share?

13 A Well, we are concerned about overall market
14 share, but we feel that the greater damage can be done if a
15 customer that is brand new -- If a customer is moving
16 from a NYNEX region or an Ameritech region a Pac Bell
17 region and they are coming to -- they have never had
18 intraLATA competition and they are coming to Florida and
19 BellSouth is their local carrier, if BellSouth is allowed
20 to tout itself, this customer may never know that it had a
21 choice in long distance carriers, or carriers rather for
22 their intraLATA service.

23 Q If one out of every two new connections were for
24 BellSouth, meaning there was 50% BellSouth, 50% to other
25 carriers, would that be indication of thriving competition

1 in the intraLATA market?

2 A I think it would be a start, but we still need to
3 go back to local competition in the fact that, you know,
4 right now customers, you know, they can't call up and order
5 service or call up and get another carrier of local service
6 in the state as it stands. They can't call up and get
7 MCI's service and, you know, be touted MCI's service all
8 the way through the call. I think until local competition
9 is fair and open that the intraLATA market is -- and that
10 BellSouth is the bottleneck for that and that the new
11 customers have to go through BellSouth to get their local
12 service and on that new local service call they are going
13 to be informed about local services, intraLATA services and
14 interLATA services, neutral restrictions need to be imposed
15 until the rest of the marketplace is clearly up and active
16 and fair. I think that is a better indicator than just
17 looking at raw numbers provided by Bell on the number of
18 customers.

19 Q Okay. Still on this issue of competition and
20 market share, if you'd turn to the rebuttal testimony that
21 Ms. Geer filed, page 2, and she is addressing your
22 testimony. At line 6 she says that you have simply
23 restated stale arguments from years past, based on your
24 direct testimony, you would have the Commission believe
25 that the local toll market has remained stagnant during the

1 past years, and she states that --

2 MR. BOND: I'm sorry, are you in the rebuttal
3 testimony?

4 MR. COX: Yes, I'm sorry I didn't clarify that.
5 It's rebuttal, page 2 of Ms. Geer.

6 BY MR. COX (CONTINUING):

7 Q "The complainants have made no attempt --" at
8 line 8 "-- to quantify the effects of the marketing
9 restrictions in Florida."

10 Could you comment on these statements, first with
11 regard to the allegation that you would have us believe
12 that the intraLATA toll market has remained stagnant during
13 the past two years?

14 A Can you ask the question one more time?

15 Q Sure. Sure. With regard to the statement that
16 Ms. Geer makes in her rebuttal testimony that you would
17 have -- you, Ms. Seay, would have the Commission believe
18 that the local toll market has remained stagnant during the
19 past two years, do you agree with her analysis of your
20 testimony? Are you trying to tell the Commission that the
21 local toll market has remained stagnant during the past two
22 years?

23 A I believe she is saying that the complainants
24 have made no attempt to quantify the effects of --

25 Q Right, that's the next statement.

1 A Oh.

2 Q The next statement says, "The complainants have
3 made no attempt," and I guess they do interrelate, you're
4 right. Have you made any attempt to quantify the effects
5 of the marketing restrictions other than analyzing
6 BellSouth's calculations?

7 A The toll market may not have stayed stagnant, but
8 the local market has, which is affecting the overall
9 process involving intraLATA. Since the toll market -- My
10 thought was is that the local market has stayed stagnant,
11 and the toll market has been open, and by BellSouth's
12 numbers there is 27% of the market selecting another; but
13 BellSouth is still the local monopoly. I think the key to
14 this is, is that customers have to go to Bell to get their
15 local service, and they are going to --

16 (PHONE INTERRUPTION)

17 MR. BOND: You might need to ask your question
18 again.

19 MR. COX: Sure, let's do that.

20 BY MR. COX (CONTINUING):

21 Q We were talking about the allegation that you've
22 made no attempt to quantify the effects of marketing
23 restrictions in Florida, and you were discussing the
24 situation with the local market.

25 A I was getting to the point that I think the key

1 here is that customers still must go to BellSouth for their
2 local service. Until there is true local competition,
3 customers still have to go to BellSouth to get their local
4 service, to be educated or informed on this new install,
5 that they have an option for their intraLATA carrier and
6 that they have an option for their interLATA carrier.
7 Customers are not going to another company for those pieces
8 of information. Today they are, if they are establishing a
9 new telephone number, they are still going to the incumbent
10 LEC, in this case BellSouth, and that is what has been
11 stagnant and stale, is the local competition, and the fact
12 hasn't changed that Bell is still the bottleneck and the
13 first company that the customer will go to.

14 If a customer comes to MCI, requests long
15 distance service, be it interLATA or intraLATA, we cannot
16 establish an account for them unless they have gone to
17 their local company first in order to establish an account
18 with them. So even in this existing environment, a
19 customer still has to go back to them; and if they were to
20 come to us first, we would still have to send them back to
21 Bell to go through those steps. So even if we did have the
22 ability to educate them or put something on line for them,
23 Bell would still get a clear shot at picking the
24 opportunities to promote itself on the new install portion
25 of that customer's service.

1 Q Based on the testimony that Ms. Geer has filed on
2 behalf of BellSouth in this proceeding, it seems that
3 BellSouth has come forward with two primary bases for
4 lifting the intraLATA toll restrictions. The first, what
5 we have been discussing, has to do with the market share,
6 and you keep pointing me to what is going on with the local
7 market. The other area seems to deal with alleged customer
8 confusion. What is your understanding of this customer
9 confusion that Ms. Geer has raised in her testimony? And I
10 could refer you to page 6 of the rebuttal testimony that
11 Ms. Geer filed where she discusses the impact of removing
12 the marketing restrictions on the customer confusion that
13 she had previously described in her direct testimony.

14 A I'm just reading the section.

15 Q Okay. Take your time.

16 A I mean I think she is referring that if they sell
17 something early on in the conversation with the customer,
18 that if they pick another carrier, it negates what they
19 earlier purchased from BellSouth. My thoughts would be if
20 a customer picks another carrier that negates something
21 that was previously selected, BellSouth would say so. They
22 would not remarket or sell something or embellish -- not
23 embellish but influence the customer to keep whatever
24 service they offered.

25 If the customer in the first part of their

1 conversation during the local portion of the call has
2 either offered to pay something in addition to their local
3 service to have some type of plan and that when they get to
4 the intraLATA portion of the call, if they pick another
5 carrier that would make the plan they selected with
6 BellSouth obsolete, the BellSouth representative should
7 simply state that, they should not allow the customer to,
8 you know, keep something and pay for something that they
9 sold. They should say, Per your selection of MCI for your
10 intraLATA service, you no longer need blah, blah plan or
11 X,Y,Z plan that you purchased, period. They don't need to
12 go into any further detail.

13 Q They can't tell them why they don't need the
14 service any more?

15 A I mean the customer may ask that, but if the
16 customer doesn't, they may know why they don't need it; but
17 I mean we are not out to say that they need to confuse the
18 customer, but I think they should clearly state that, you
19 know, MCI carries those calls, or AT&T, but your intraLATA
20 carrier provides that service and you no longer need X,Y,Z
21 plan from BellSouth.

22 If the customer goes into details, the BellSouth
23 rep will probably have to have that conversation with the
24 customer so that they are not confused; but I don't believe
25 that the BellSouth rep should be allowed to, you know, get

1 to the enter -- I mean intraLATA portion selection and say,
2 well, you know, you already picked X,Y,Z plan so BellSouth
3 can -- you know, by picking BellSouth for your intraLATA
4 carrier, that may change that plan and so forth because I
5 don't feel the BellSouth reps are in a position to
6 understand all the pricing plans of all their competitors.
7 I mean if today MCI offers five cents a minute and the
8 average call of the consumer is 15 minutes, then 15 cents a
9 call is better than 25 cents a call if that is the plan
10 that BellSouth is offering the customer or they feel they
11 would lose by having, you know, MCI as their carrier.

12 So I don't feel BellSouth is wanting to take on
13 knowing all the pricing plans and products of their
14 competitors, so if a customer selects a carrier that would,
15 you know, would mean that they no longer need a previously
16 sold service or something that BellSouth offered, then they
17 need to just state that, but that doesn't mean that the
18 company they selected offers a worse plan. Tomorrow a
19 company may come out with a 20-cent-a-call plan which would
20 be better than BellSouth. BellSouth, are they going to be
21 ready to know that? I don't think their reps are going to
22 want to be in that position.

23 Q So am I -- I have a question. Can MCI provide
24 flat rate optional calling plans comparable to those of
25 BellSouth? Can MCI provide those type of plans, such as

1 the EAS, the ECS or the area plus type plans?

2 A I don't believe we do today because we pay access
3 rates versus interconnection rates with BellSouth.
4 BellSouth is paying a flat 25 cents, and if MCI were to do
5 a flat rated call, we are paying access minutes on that,
6 and we pay -- I'm not sure. I would have to find out what
7 our access rates are, but I'm sure they are more than a
8 penny, to BellSouth. You know, we would have to be able to
9 cover the cost of paying BellSouth to complete the call and
10 to pay for the components of carrying the call.

11 And it doesn't -- what I'm trying to say is that
12 in today's market we don't currently offer a 25-cent flat
13 rated call. It doesn't mean tomorrow we couldn't offer a
14 25-cent. We may take it as a loss leader and come up with
15 a 25-cent or a 20-cent call. And again, in today's
16 environment, the customer may only make an average of a
17 four-minute call which is 20 cents.

18 I mean I think what we are doing is if we lift
19 the restrictions a hundred percent across the board we are
20 saying that all customers, or a certain type of customer or
21 one type, and customers are very different. Customers may
22 use intraLATA services in a multitude of ways, some may
23 need 25-cent flat rated, or some may benefit from what
24 other plans or services other competitors use. And a
25 customer may be equally misled or deceived if they are told

1 you're losing out on your 25 cents with BellSouth when, in
2 fact, maybe they would have only averaged three- or
3 four-minute calls that would have been 15 or 20 cents, or
4 even a five-minute call. If today's environment is 25
5 cents, it would be equal to what they could get on
6 BellSouth. So I think they would equally deceive a
7 customer if they try to sell or educate someone that theirs
8 is a better plan or a better product when I don't think
9 BellSouth fully knows if it is or not. I think that is up
10 to the consumer to figure out.

11 Q So do you believe that there is some customer
12 confusion presently as a result of the intraLATA marketing
13 restrictions?

14 A From personal experience I'm not aware of any.
15 But I mean according to Ms. Geer they are saying there is
16 customer confusion.

17 Q And so do you have any suggestions on how we
18 might remedy the situation Ms. Geer described? Is that the
19 sort of neutral education that you were trying to refer to
20 earlier?

21 A Right. I think -- If what she is describing is
22 that if the customer has a certain plan with BellSouth and
23 then they pick another carrier for their intraLATA service,
24 they feel the customer -- from what I've seen and heard,
25 what she is saying is that the customer is confused if they

1 lose something with BellSouth when they obtain the services
2 of another company; and I feel that if a customer has
3 bought something or they have paid extra, like a monthly
4 fee for a product with BellSouth, earlier in the
5 conversation, maybe it's associated with their local
6 service plan, and then they get to the intraLATA portion of
7 the call, the customer selects a carrier other than
8 BellSouth, then BellSouth should simply neutrally educate
9 the customer that, due to your selection of, you know,
10 AT&T, you no longer need X,Y,Z service plan. And there
11 may -- you know, if the dialogue between the customer is,
12 well, why is that, then the customer service rep can't
13 ignore that question. But I don't think they should be --
14 They should answer it, but I don't think that it's supposed
15 to or should allow them the opportunity to say, Mr.
16 Customer, before I even tell you about intraLATA, know that
17 with whatever X,Y,Z service you purchased from BellSouth,
18 this has all these wonderful things; so if you have
19 BellSouth as your intraLATA one plus company, we'll do all
20 these things for you. That's a marketing, that's a sales
21 pitch. That's telling them what BellSouth will do over
22 their competitors, and that's not fair.

23 I mean if they are ready to sit there and tell
24 them, well, you know, MCI offers five cents a minute and if
25 you're average call is more than five minutes, then our

1 plan is better than MCI; and AT&T offers another type of
2 plan. But I don't think BellSouth wants to sit there and
3 know all of our pricing plans and our products. I don't --
4 They would be doing the customer just an injustice by
5 telling them, you know, well, you are losing something by
6 the selection or by not even educating them on the
7 selection of another carrier when, in fact, they may
8 benefit -- have greater benefits with another carrier or
9 equal benefits with another carrier.

10 Q Okay. So you've seemed to indicate that the
11 present restrictions would allow them to do some minor
12 education of the customer to inform them that they would be
13 losing the benefit of the service; is that correct?

14 A Well, I think that we are not saying that they
15 should defraud the customer by any means. We are saying
16 that if they've picked something earlier in the
17 conversation with that rep, they've bought something or
18 they've agreed to purchase something from BellSouth and
19 that their selection of another intraLATA carrier would
20 make that, their previous selection obsolete, then the
21 BellSouth rep should tell the customer that they no longer
22 need that product or plan. We are not saying that they
23 need to continue to get the money for that or just leave it
24 as is and confuse the customer and defraud them; that's not
25 what we are saying.

1 Q Right. But under the present restrictions and
2 Commission order, they would be allowed to do that; is that
3 correct? Is that your understanding?

4 A I don't think there is anything restricting them
5 from telling a customer they don't need a certain plan.

6 Q Okay. So that's not stepping over the boundary
7 of being neutral?

8 A Not by telling a customer that they don't need a
9 product or a service that wouldn't be usable by the
10 customer, no.

11 Q That concludes staff's questions.

12 MR. COX: Would the witness like to take a break
13 before the other attorneys start their questioning?

14 WITNESS SEAY: I'm okay. We can go on.

15 MS. WHITE: This is Nancy White. I'll assume
16 that since Ms. Seay is a witness of MCI and AT&T and
17 FCCA that they have no questions?

18 MS. RULE: None from AT&T.

19 MR. COX: Nancy, why don't you start with your
20 questions.

21 MR. WHITE: Well, I would rather go last if FCCA
22 has any questions.

23 MS. KAUFMAN: Hey, Nancy, this is Vicki. We
24 don't have any questions.

25 MS. WHITE: Okay.

EXAMINATION

1

2 BY MS. WHITE:

3 Q All right. Ms. Seay, Nancy White for BellSouth
4 Telecommunications, and I want to follow up on the last
5 discussion you had with staff members. You said that if in
6 the conversation with a BellSouth service rep a new
7 customer picks a plan, that when they pick an intraLATA
8 toll carrier that negates the plan they've picked that
9 BellSouth should tell the customer you no longer need that
10 plan; is that a fair assessment?

11 A Yes, it is.

12 Q Aren't you saying that BellSouth should make the
13 decision for the customer on what the customer needs?

14 A No. I think BellSouth has made the inference
15 that they are defrauding the customer by not being able to
16 tell them that. I think they are doing the customer --
17 they are servicing them by telling them that you no longer
18 need this plan because of your intraLATA pick. I stated
19 that if the customer asks questions about that, then the
20 BellSouth representative should answer those questions.

21 Q Well, how is BellSouth to know whether the
22 customer no longer needs the particular plan?

23 A Well, I thought that was -- I think I'm confused
24 by the question. I thought that was what BellSouth was
25 saying, is that there was customer confusion because they

1 either had plans or there were services that the customer
2 had with BellSouth but then they lost it because they were
3 picking another carrier.

4 Q Yes, but you said that BellSouth should tell the
5 customer that the customer no longer needs the plan, and I
6 guess my question is, how is BellSouth supposed to know the
7 specific needs of each customer?

8 A If the customer picks a carrier that would
9 enable, would not allow -- by what intraLATA carrier they
10 pick, if by that selection they cannot utilize the service
11 that they have purchased or made an agreement with
12 BellSouth, then BellSouth has the right to tell them that
13 by this pick you've made you no longer need this. I think
14 the second decision negates the first one; and BellSouth
15 would, therefore, educate the customer that this plan that
16 you are going to pay more for or you've selected, that you
17 don't need. I don't think BellSouth would want to bill a
18 customer for something they can't use.

19 Q Now is it -- what about in the situation where
20 the customer could use the plan but they would have to dial
21 around, would BellSouth -- under the restrictions as they
22 currently exist in your opinion, would BellSouth be
23 available to advise the customer of the dial-around option?

24 A I think my main focus is on -- I'm not an
25 expert on BellSouth's plans by any means, but if there are

1 plans that a customer pays extra or additional monthly for,
2 if there is something that they just automatically get, if
3 they use it or don't use it and they are not paying
4 anything additional for, then, no, I don't think the
5 representatives should educate them and market to them how
6 to use dial around.

7 Q Okay.

8 A Because I don't think they would want to say,
9 well, if you don't pick MCI for your intraLATA carrier but
10 you can dial around and use them, I don't think that is
11 going to happen on the call.

12 Q All right. How long has intraLATA competition
13 been open in Florida?

14 A I don't know off the top of my head, three years,
15 two years.

16 Q Okay. And do you consider that a new competitive
17 market?

18 A I'd say that's a new market. It's in its
19 infancy.

20 Q Do you believe that the intraLATA market is
21 competitive now in Florida?

22 A I think once we have full local competition in
23 Florida we'll have a true competitive market all the way
24 around. I don't believe that -- I think since BellSouth is
25 still the monopoly company that all customers must come

1 through to get their local service that impedes full
2 competition.

3 Q All right. Can you tell me what experience and
4 training or information do you have with regard to the
5 competitiveness of the local market?

6 A I'm not an expert in local market.

7 Q Okay. Do you know how much local competition
8 exists in Florida today?

9 A I do not.

10 Q Okay. Now can you tell me, I understand that
11 your position is that the restrictions should not be lifted
12 until there is full competition in the local market; is
13 that correct?

14 A That is correct.

15 Q Was this your position in the original marketing
16 restriction docket in Florida?

17 A I believe there were numerous issues. I would
18 have to go back to look at my original -- the original
19 compliant that was filed, but there were many more issues
20 that were raised in that hearing than in the current
21 situation.

22 Q Okay. So would it be fair to say that you just
23 don't recall?

24 A I don't recall.

25 Q All right. Now let me ask you this with regard

1 to your position on local competition. Hypothetically, if
2 there was a 90% market share loss by BellSouth in the
3 intraLATA toll market and there was a 10% loss in the local
4 competitive market, what would be your position as to
5 whether the restrictions should be lifted?

6 A I think that would be up to the Commission to
7 make that decision on when the restrictions could be
8 lifted. Today my understanding is that there are a lot of
9 problems with local competition.

10 Q Well, and I understand that's your viewpoint, but
11 I'm asking you what would your opinion be. If there is 90%
12 BellSouth market share loss in the intraLATA toll market
13 and 10% BellSouth market share loss in the local market, is
14 it your opinion that the restrictions should be lifted or
15 not?

16 A I don't believe that -- I don't know if you can
17 look at just raw market numbers to make such a decision. I
18 think you have to look at the overall conditions of the
19 competitive environment. If a customer truly has a choice
20 of their local phone company and there is full competition,
21 then the customer has the ability to use different
22 carriers; and at that time, if a customer has full
23 competition and a multitude of carriers to pick from, then
24 I believe the Commission would look back at this and decide
25 if the restrictions should be lifted. I don't know that

1 you can look at raw numbers and make that decision.

2 Q Now do you have any information on which you
3 based your statement earlier that the lost market share
4 suffered by BellSouth would not have happened without the
5 restrictions?

6 A I don't have any data. I know that that's -- the
7 numbers that are reported by Bell show that they still have
8 73% and, again, Bell being the only monopoly that has --
9 the only company that has those numbers and that if you
10 listed -- and they've had restrictions and they've had 70%,
11 so if you lift the restrictions, it would be obvious that
12 it would go up. I mean that is why BellSouth wants the
13 restrictions lifted is so that they can gain back more of
14 that 27% of the market share.

15 Q And on what do you base that statement?

16 A The fact that BellSouth is asking for them to be
17 lifted.

18 Q Okay. Is that anywhere in BellSouth's
19 testimony? Do you have any information on which to base
20 the statement that that is BellSouth's motivation in this
21 case?

22 A Well, I'm not an employee of BellSouth, so I'm
23 not sure what their -- I'm reading their testimony, and
24 that's my understanding of it.

25 Q Does the customer have a choice of BellSouth as

1 an intraLATA provider today?

2 A I'm sorry, the question again.

3 Q Does the customer have a choice of BellSouth as
4 an intraLATA provider today in Florida?

5 A I do not know.

6 Q In your testimony concerning the 1995
7 stipulation, do you know whether the issue of stating,
8 quote, BellSouth could also provide service, end quote, was
9 specifically discussed by the parties?

10 A I do not.

11 Q Okay. If BellSouth has a competitor for local
12 service, is providing local service in Florida today, can
13 that company market itself for intraLATA service when a new
14 customer calls it up?

15 A Ask your question one more time please.

16 Q Yes. Say that you have -- if you've got a local
17 exchange company non-incumbent, alternative local exchange
18 company who is providing local service in Florida today and
19 a new customer calls that company up for local service, can
20 that company market its intraLATA toll service to that
21 customer?

22 A I'm not aware of any restrictions on that type of
23 company.

24 Q Okay. Do you have any information with which to
25 dispute the statistics that are contained in Ms. Geer's

1 testimony?

2 A No, we do not because Bell is the only company
3 that would have all the information being the incumbent
4 LEC.

5 Q Well, do you have any reason to believe that the
6 statistics cited in Ms. Geer's testimony are not correct?

7 A No, I do not.

8 Q You said that you had Ms. Geer's direct
9 testimony. Could you turn to Exhibit HG-2, page 5 of 5?

10 A I have one of one. I have no -- I have her
11 testimony.

12 Q HG-2?

13 A I have HG-1. I have no dash two.

14 MR. BOND: I don't have an HG-2 either.

15 MS. WHITE: I'll be happy to fax it to you.

16 MR. BOND: Okay. You want me to give you the fax
17 number?

18 MS. WHITE: Please. Just give me a minute and
19 let me take it off my copy. Well, let me try it this
20 way. Let me try it without.

21 BY MS. WHITE (CONTINUING):

22 Q Ms. Seay, if an intraLATA toll company stated on
23 a letter of authorization that, quote, only one long
24 distance company may be designated for the telephone number
25 you provide us, end quote, would that be a true statement

1 for Florida?

2 A IntraLATA?

3 Q It says, quote, only one long distance company
4 may be designated for the telephone number you've provided,
5 end quote. Is that a true statement for the State of
6 Florida?

7 A It would be a true statement. They can have one
8 company selected.

9 Q But it says only one long distance company may be
10 designated. Is it true that in Florida only one long
11 distance company may be designated per telephone number?

12 A For your interLATA service there can only be one,
13 and there can only be one for your intraLATA service.

14 Q So would you agree that two long distance
15 companies may be designated per telephone number?

16 A Well, is the LOA for enter and intra or for enter
17 or just intra?

18 Q It's silent.

19 A I don't know. I mean --

20 Q Okay. I won't put you on the spot any longer.

21 MS. WHITE: That's all I have.

22 MR. COX: FCCA, do you have any questions?

23 MS. KAUFMAN: No, we don't.

24 MR. COX: AT&T?

25 MS. RULE: No, we don't.

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MR. COX: MCI?

MR. BOND: MCI has no redirect.

MR. COX: That concludes the deposition.

(WHEREUPON, THE DEPOSITION WAS CONCLUDED)

* * * *

ERRATA SHEET

DOCKET NUMBER 971399-TP
SANDRA SEAY
MAY 22, 1998

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CERTIFICATE OF DEPONENT

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This is to certify that I, SANDRA SEAY, have read the foregoing transcription of my testimony, Page 1 through 59, given on May 22, 1998 in Docket Number 971399-TP, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

SANDRA SEAY

Sworn to and subscribed before me this _____ day of _____, 19____

NOTARY PUBLIC
State of _____
My Commission Expires:

60

1 REPORTER'S DEPOSITION CERTIFICATE

2 STATE OF FLORIDA)
3 COUNTY OF LEON)
45 I, NANCY S. METZKE, Certified Shorthand Reporter
6 and Registered Professional Reporter, certify that I was
7 authorized to and did stenographically report the
8 deposition of SANDRA SEAY; that a review of the transcript
9 was requested; and that the transcript is a true and
10 complete record of my stenographic notes.
1112 I FURTHER CERTIFY that I am not a relative,
13 employee, attorney or counsel of any of the parties, nor am
14 I a relative or employee of any of the parties' attorney or
15 counsel connected with the action, nor am I financially
16 interested in the action.
1718 DATED this 25th day of May, 1998.
19
2021 
22 NANCY S. METZKE, RPR, CCR
23
24
25

EXHIBIT NO. 2

DOCKET NO.: 971399-TP

WITNESS: Hilda Geer

PARTY: BellSouth

DESCRIPTION:

1. May 18, 1998 Deposition Transcript,
2. Composite Deposition Late Filed Exhibit
Nos. 1 - 5, and
3. Errata Sheet

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 971399-TP EXHIBIT NO. 2
COMPANY/ Geer
WITNESS: Geer
DATE: 6-11-98

PROFFERING PARTY: Staff

I.D. # HG - 6

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth) Docket No. 971399-TP
 Telecommunications, Inc. to lift)
 marketing restrictions imposed)
 by Order PSC-96-1569-FOF-TP.)

DEPOSITION OF: HILDA GEER

TAKEN AT THE INSTANCE OF: The Staff of the Florida
 Public Service Commission

PLACE: FPSC Conference Room 362
 Gerald L. Gunter Building
 2540 Shumard Oak Boulevard
 Tallahassee, Florida

TIME: Commenced at 10:15 a.m.
 Concluded at 12:10 p.m.

DATE: Monday, May 18, 1998

REPORTED BY: Lisa Girod Jones, RPR, RMR

RECEIVED

JUN 17 1998

CMU

BUREAU OF REPORTING

RECEIVED 5-21-98*Lisa Girod Jones*

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5 BellSouth Telecommunications, Inc.

6 Also Present: NANCY H. SIMS, Direct - Regulatory Relations
7 BellSouth Telecommunications, Inc.
8 Tallahassee, Florida

9 JOSEPH A. MCGLOTHLIN, Esquire, and TERRI THOMAS,
10 Esquire, McWhirter, Reeves, McGlothlin, Davidson, Rief &
11 Bakas, P.A., 117 South Gadsden Street, Tallahassee, Florida
12 32301; appearing on behalf of Florida Competitive Carriers
13 Association.

14 THOMAS K. BOND, Attorney at Law, (via telephone),
15 MCI Telecommunications Corp., 780 Johnson Ferry Road, Suite
16 700, Atlanta, Georgia 30342; appearing on behalf of MCI
17 Telecommunications Corporation.

18 MARSHA RULE, Esquire, (Via Telephone) AT&T
19 Communications of the Southern States, Inc., 101 North
20 Monroe Street, Suite 700, Tallahassee, Florida 32301;
21 appearing on behalf of AT&T Communications of the Southern
22 States, Inc.

23 WILLIAM P. COX, Staff Counsel, Florida Public
24 Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,
25 Florida 32399-0850; appearing on behalf of Staff.

ALSO PRESENT: Jonathan Audu

1		INDEX	
2	<u>WITNESS</u>		<u>PAGE</u>
3	HILDA GEER		
4	Examination by Mr. Cox		6
5	Examination by Mr. Bond		54
6	Examination by Mr. McGlothlin		59
7	Examination by Ms. White		66
8	CERTIFICATE OF REPORTER		69
9			
10		EXHIBITS	
11	EXHIBIT NO.:		PAGE
12	1 - (Late-filed) Update to Exhibit HG-1		18
13	2 - (Late-filed) Update on BellSouth IntraLATA Toll Market Share		21
14	3 - (Late-filed) Estimated Percentage of LPIC Changes Occurring on the Same Line from 1-1-97 to 2-3-98		24
15	4 - (Late-filed) BellSouth Education of Customers for Flat Rate Services		36
16	5 - (Late-filed) (Confidential) HG-1 Broken Down on IXC Basis		41
17			
18			
19			
20			
21			
22			
23			
24			
25			

S T I P U L A T I O N S

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IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this causes; and that reading and signing was not waived.

IT IS ALSO STIPULATED that any off-the-record conversations are with the consent of the deponent.

DEPOSITION

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Whereupon,

HILDA GEER

was called as a witness, having first been duly sworn to speak the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

MR. COX: Let's start by taking appearances of those on the line first.

MR. BOND: Tom Bond on behalf of MCI.

MS. RULE: Marsha Rule for AT&T.

MR. MCGLOTHLIN: Joe McGlothlin for the Florida Competitive Carriers Association.

MS. WHITE: Nancy White for BellSouth Telecommunications.

MR. COX: Will Cox on behalf of the Commission Staff.

Do all those on the line and all the attorneys present here agree to the usual stipulations?

MS. WHITE: Yes.

MR. MCGLOTHLIN: Yes.

MR. BOND: MCI does.

MR. COX: Marsha?

MS. RULE: What are we considering the usual these days?

MR. COX: I'll read them to you, if you would

1 Q. And have you ever testified before this commission
2 before?

3 A. Yes, I have.

4 Q. How many times have you testified?

5 A. Once before.

6 Q. In which proceeding was that?

7 A. It was the prior docket.

8 Q. Prior --

9 A. On the intraLATA presubscription.

10 Q. And have you testified before other commissions in
11 the BellSouth territory?

12 A. I have not.

13 Q. What's your present position with BellSouth?

14 A. Present position with BellSouth is that we feel
15 that the circumstances in the marketplace have changed and
16 therefore --

17 Q. Excuse me. Let me clarify. As far as employment,
18 what's your present position?

19 A. I'm sorry, director.

20 Q. Director, and what does that entail, that
21 position?

22 A. I have responsibility for consumer services or
23 residential services for the South Florida territory, which
24 includes south of Fort Pierce to Key West.

25 Q. What are some of the day-to-day functions that you

1 perform in that capacity?

2 A. I supervise about 1500 employees, most of which
3 are customer service representatives that take customer
4 calls, and assist customers in the area of service,
5 collections, repair, that area.

6 Q. What sorts of functions do you perform
7 specifically with regard to the intraLATA toll,
8 presubscription services?

9 A. Other than supervision of the employees who deploy
10 the guidelines and the procedures that we set in place for
11 them to follow, that's my key responsibility there.

12 Q. I have some questions regarding the direct
13 testimony that you prefiled on behalf of BellSouth in this
14 proceeding. Do you have that with you?

15 A. Yes, I do.

16 Q. If you could turn to Page 3 of your testimony.

17 A. Uh-huh.

18 Q. And on an answer starting around Line 17 you talk
19 about the importance of the first experience a new customer
20 has with the company.

21 A. That's right.

22 Q. And starting in Line 22, it states, the marketing
23 restrictions imposed on BellSouth preclude the company from
24 explaining in detail products and services that can benefit
25 consumers.

1 A. Uh-huh.

2 Q. What would be some of the products and services
3 that you're referring to here?

4 A. Primarily in this case we would be talking about
5 local calling plans, whether they would be of the type that
6 the customer pays a flat rate, a flat monthly rate to have
7 access to those services, or those services that he would
8 have access to automatically but he would pay on an
9 as-per-use type basis. So the primary services that we're
10 addressing here would more than likely -- would be local
11 calling plans of some description.

12 Q. What sorts of plans would be those that would be
13 on a flat rate basis?

14 A. Those primarily would be plans, such as Area Plus,
15 in the residential market, or Business Plus in the business
16 market, where the customer pays a flat rate on a monthly
17 basis and he has access to unlimited calling or certain
18 amount of calling within an expanded or extended area type
19 basis.

20 Q. And the Area Plus is for the residential; is
21 that --

22 A. Area Plus is for residential. Business Plus is
23 for business customers.

24 Q. You stated in this statement, you say that
25 precludes BellSouth from explaining in detail. When you say

1 "in detail," so if it's not a detail, what level of detail
2 is allowed? What is your understanding of that?

3 A. Okay, the level of detail that is allowed at this
4 point is that for a new customer, or even at this point for
5 an existing customer, when we are negotiating the intraLATA
6 toll carrier that the customer is going to have on his
7 records in order for him to make his local calls, what we
8 are allowed to say is basically that there are several
9 carriers in the marketplace that provide that service, and
10 then we ask the customer to let us know what carrier he
11 wants to select, and if he does not have one or he doesn't
12 know right then and there, we offer to read a list of those
13 carriers that provide the service in the area. And we read
14 a random list of those carriers.

15 Q. When would this type of negotiation take place?
16 What's the normal setting for this type of negotiation? You
17 said -- you referred to "negotiation" with the customer.

18 A. Well, there's at the time the customer calls in to
19 either place new service, or if he's moving from one
20 location to another, even within the same city, we would
21 follow the same procedures.

22 Q. Okay. Is there anymore explaining that BellSouth
23 would be allowed to do, that you can think of?

24 A. Not unless the customer asks in specifics about a
25 service that we might provide that he might have heard

1 about, or that he may know of.

2 Q. Can you think of an example of this situation?

3 A. Oh, for example if he had heard about our 25 cent
4 plan, or if he had heard about Area Plus, for example, and
5 he asked a direct question about that service, then
6 obviously we can address and answer that question. But we
7 are not to be marketing any of our intraLATA toll services
8 unless the customer asks a direct question regarding the
9 service.

10 Q. Okay, so if the customer introduces the subject,
11 then you can market the service?

12 A. That's correct.

13 Q. Turning to Page 4 of your testimony, at Line 8,
14 you state, allowing BellSouth to once again market its
15 intraLATA toll services to new customers will stimulate
16 competition.

17 So is it your position that the present
18 restrictions stifle competition?

19 A. The present circumstances, I believe, not stifle
20 competition, but they do not leave the field as a fair
21 playing field for all people involved, for all the players
22 involved. In addition to that, I think that there -- it
23 creates a great deal of customer confusion, which is not in
24 the benefit of the customer, because the customer is not
25 able to avail himself of the services that are in the

1 marketplace, and also he may end up paying for services he
2 has no access to because of misinformation. And I think
3 that the kind of competitive marketplace that we would be
4 putting in place would certainly create competitive rates
5 and competitive calling plans generated by the other
6 carriers in order to really and truly bring about the
7 economic benefits of the competitive marketplace to the
8 customer.

9 Q. So you're saying it doesn't stifle competition,
10 but there is, you believe, some hindrance to making it a
11 fair --

12 A. Absolutely.

13 Q. -- playing field?

14 A. And create a great deal of customer confusion,
15 which is not in the benefit of the customer.

16 Q. Tell me more about that customer confusion. Could
17 you explain what you mean by customer confusion?

18 A. Well, customers call us and they make their
19 selection of carrier, and go on about their business. Then
20 later they may find out that either, one, they had -- they
21 could have availed themselves of services of the -- either
22 EAS or ECS type services that were available to him in the
23 particular location he was existing in, and either, one, he
24 was paying for services he was not receiving, or he could
25 have been paying a lower rate for this same kind of

1 service. And in a lot of cases we do receive complaints to
2 that effect, and in other cases customers feel that we
3 didn't serve them well by not educating them up front on
4 what were really the true alternatives in the marketplace.

5 Q. So the confusion is, sort of, why didn't you give
6 us the whole picture?

7 A. That's right. In addition to the fact that they
8 do come into contact with a lot of literature in the
9 marketplace which leads them to believe, or misleads them
10 into thinking that they can only have one carrier for the
11 entirety of his long distance service, intraLATA as well
12 interLATA. So there's a great deal of confusion in the
13 customers' mind about that as well.

14 Q. That relates to the exhibits attached to your
15 testimony?

16 A. Correct.

17 Q. The -- blanking out on the term here.

18 MS. WHITE: Commercial.

19 WITNESS GEER: LOAs.

20 BY MR. COX:

21 Q. LOAs.

22 A. That's right, the LOAs.

23 Q. In the next line in that same answer, on Page 4,
24 Line 9, it says, "For nearly two years now BellSouth has
25 been unable to discuss service during negotiations." Now

1 these negotiations here are the same types of negotiations
2 we discussed earlier?

3 A. That's correct.

4 Q. Starting at Line 12, you state, "Allowing
5 BellSouth to market once again will act as an incentive for
6 other intraLATA providers to develop competitive rates and
7 calling plans and not rest comfortably on their laurels
8 under the guise of protective regulation." Could you
9 provide examples of these types of competitive rates and
10 calling plans that might be developed?

11 A. Well, I don't know that I have examples on hand
12 right now, but I do know that at the present time, a lot of
13 the plans that are in place from other carriers are still
14 pretty much on a per minute type basis. And customers do
15 enjoy being able to utilize a lot of our flat rate type
16 calling plans, which I believe part of the reason we feel
17 that it would really create true competition and true
18 economic benefits for the customers if we were allowed to at
19 least share that those are available in the marketplace.
20 Right now a lot of customers just don't really know, and
21 they think that the per minute plans -- they're confused
22 between the per minute plans and the flat rate plans, and
23 they feel that those are the only plans that are available
24 to him.

25 Q. Am I to understand from this statement that you

1 believe that there might be perhaps benefits to the
2 consumer, lower rates, better pricing plans for the
3 consumer?

4 A. Absolutely. I think the more educated the
5 customer is on all the alternatives that he has in the
6 marketplace, and knowing what's available from BellSouth as
7 well, is going to entice the long distance carriers to truly
8 go out there and compete in that marketplace.

9 Q. I would like to turn you to the bottom of the page
10 where you start discussing the exhibit you provided as HG-1
11 to your direct testimony.

12 A. Uh-huh.

13 Q. And that's titled Florida LPIC activity from
14 1-1-97 to 3-1-98.

15 A. That's right.

16 Q. For the purposes of this exhibit, who gathered the
17 data for this exhibit?

18 A. I believe the data was gathered by Chris Boltz,
19 who provided the response to the interrogatory.

20 Q. Who is Chris Boltz?

21 A. I believe she's a manager in the interexchange
22 organization, interexchange services staff organization.

23 Q. In BellSouth?

24 A. In BellSouth.

25 Q. But she is an employee of BellSouth

1 Telecommunications?

2 A. Yes, she is. She has responsibility for
3 information that comes from the CARE system, which is the
4 mechanized system we utilize to gather that data.

5 Q. Okay. So she is hands-on with the CARE system on
6 a daily basis?

7 A. That's my understanding.

8 Q. Do you know how long she's been working in that
9 capacity?

10 A. No, I don't.

11 Q. Who actually put the data into this format? Did
12 she put the data into this format?

13 A. That's my understanding.

14 Q. And the purpose of -- what's your understanding of
15 the purpose of this attachment?

16 A. Well, the purpose of this attachment is to show
17 the changed competitive marketplace since January 1997
18 through March 1st of '98, both as it relates to new service
19 connections, existing service, and moves, and the overall,
20 as to whether customers are selecting BellSouth or selecting
21 others.

22 (Pause)

23 Q. And you -- my understanding is you believe that
24 this shows that competition is thriving?

25 A. Absolutely.

1 Q. Could you explain to me why you think that's
2 true?

3 A. Well, when you look at the data on new service
4 connections during this time period, customers selected
5 other carriers in the residential marketplace 32 percent of
6 the time, and 20 percent in the business market. And
7 basically the data that's on here shows that on existing
8 service changes, and that is customers who are either
9 calling us or calling a carrier to change their local PIC,
10 that is the bulk of the activity, 51 percent of the
11 activities in the existing customer base. Eighty-four
12 percent are selecting others in the residential market; 92
13 in the business market. When you go all the way through the
14 bottom of the chart and you look at the totals, of all the
15 activity that is taking place during this time frame, you
16 can see that 57 percent of the customers in the residential
17 marketplace are selecting others and 46 are selecting others
18 in the business market.

19 Q. So that -- but that figure about the 57 percent is
20 just those changes that you process; it's not 50 percent of
21 BellSouth's total access lines in Florida?

22 A. That's correct. This is -- the basis for this is
23 activity, not lines.

24 Q. Right. Okay. Now you said that this study period
25 was from January 1, 1997 to March 1st, 1998. Have you

1 updated this information since that February date?

2 A. I have not updated it on an exhibit as this one.
3 Obviously we could do that if that's --

4 Q. Could you provide that?

5 A. Absolutely.

6 Q. And if you could provide it as most recently as
7 possible, I won't stipulate a date on that and we'll call
8 that Late-filed Deposition Exhibit 1.

9 A. Okay.

10 Q. Update to Exhibit HG-1?

11 A. Probably prior to the hearing, the latest day I
12 would be able to obtain would be April and May.

13 (Late-filed Exhibit No. 1 identified.)

14 BY MR. COX:

15 Q. Going to the bottom of Page 5, Line 18, it states,
16 the target of competitors' marketing activity appears to be
17 existing customers. Approximately 51 percent of all
18 residential LPIC activity and 30 percent of business LPIC
19 activity during the study period was generated by changes on
20 existing lines.

21 Now does the LPIC activity only include customers
22 who change their intraLATA toll carrier for the first time?

23 A. No.

24 Q. Being --

25 A. No, no. The data in here, since it's an activity

1 based data, it would be any customer that either called the
2 carrier or the business office to make a change. It could
3 be a multiple change.

4 Q. So it could be someone who subscribed to
5 BellSouth, changed to another carrier and then changed back?

6 A. It could be. Since this activity base, that kind
7 of change would be captured both ways.

8 Q. And you don't specifically keep track of those
9 customers who switch -- say, switch back to BellSouth as a
10 separate piece of data?

11 A. I'm not aware of any system that keeps track of
12 that information.

13 Q. Also at the bottom of Page 5, the last sentence
14 there, it says, the last category summarized during the
15 study period was moves (from one address to another
16 address.)

17 What I'm wondering is how does a move from one
18 address to another address represent the loss of a customer,
19 or does it necessarily represent the loss of a customer, I
20 guess is my question.

21 A. Well, the negotiation step for a move from one
22 address to the other still contains the restriction of
23 discussing anything with the customer or informing or
24 educating the customer, other than what the alternatives
25 are, and then sharing with him or her what the current

1 carrier is on record for his account, and then expecting the
2 customer to make a selection either because he knows who he
3 wants to select or because we read them the list. So
4 basically it could be a customer that was a BellSouth
5 customer who's moving to a different address, and we let
6 them know that there are several carriers in the marketplace
7 now who provide that service. We do tell them BellSouth is
8 your current carrier, but at the same time, he could now
9 select someone else, either after we read them the list, or
10 because he's already made a determination he wants to try a
11 different carrier.

12 Q. I want to go back a step to when we were talking
13 about the exhibit. And you were saying that this is done on
14 an activity basis, not on the total access lines basis.

15 A. Right. This particular exhibit.

16 Q. Right.

17 A. Yes.

18 Q. Do you actually have statistics on an access line
19 basis? And what I'm getting at is, do you have any
20 statistics that show loss of market share?

21 A. The statistics that I saw last were as of mid
22 March, and it showed that Florida, BellSouth, had lost 30
23 percent of its residential access lines, LPICable lines, in
24 other words, and 26 percent of the complex market lines and
25 20 percent of the small business LPICable lines. That

1 information can be obtained more currently, as well, but
2 that's the last data that I saw.

3 Q. And someone else in BellSouth was assembling this
4 data? Is that your understanding?

5 A. Yes, there are differing organizations that
6 assemble that data, depending on what market segment they're
7 managing, whether it's consumer, small business or complex
8 business.

9 Q. Do you think you could provide the most current
10 update to that information?

11 A. Yes, absolutely.

12 Q. We'll have that marked --

13 A. As of the end of May.

14 Q. As of the end of May -- marked as late-filed
15 Exhibit 2, Update on BellSouth --

16 MS. WHITE: I think what you're really asking her
17 to update is what's at the top of Page 6.

18 MR. COX: Okay. That's still activity basis.
19 That's not total access lines.

20 WITNESS GEER: What he's asking me to update is
21 the information that's on Page 6, Line 15.

22 MR. COX: I'm just going to say Update on
23 BellSouth IntraLATA Toll Market Share.

24 (Late-filed Exhibit No. 2 identified.)

25 MR. COX: And that's Late-filed Exhibit 2 to

1 Ms. Geer's deposition.

2 BY MR. COX:

3 Q. Turning to the top of Page 6, that Ms. White just
4 referred to, these figures, the first figure where it says a
5 total of all the LPIC changes from January 1997 to February
6 1998 at \$4,569,797?

7 A. Right.

8 Q. Of this number, do you know how many of these
9 changes were residential?

10 A. 3,228,945.

11 Q. How many were business?

12 A. 1,340,852.

13 Q. Do you know how many actual residential lines were
14 affected?

15 A. No, I do not.

16 Q. And do you know how many actual business lines
17 were affected?

18 A. No, I do not.

19 Q. Do you know how many total residential access
20 lines BellSouth has in Florida the last time you were able
21 to check?

22 A. Approximately 4.3 million.

23 Q. And how many total business lines in Florida does
24 BellSouth have?

25 A. I believe it's a bit over a million. I can bring

1 exact numbers as of the end of May, but --

2 Q. Do you believe that at least some of the 4,569,797
3 LPIC changes involve, perhaps, the same line being changed
4 more than once?

5 A. Yes.

6 Q. And you have no idea how many?

7 A. No.

8 Q. Is that information obtainable?

9 A. Probably so. Not very easily though. You would
10 have to do some iterations on matching telephone numbers and
11 things such as that to see how many times this particular
12 number is hitting some kind of change. So I would assume,
13 yes, it probably is obtainable. Is it easily obtainable? I
14 would sincerely doubt it.

15 Q. And under the time constraints we're under now,
16 probably be kind of difficult to understand.

17 A. Take a computer guru to write a program and see if
18 it --

19 Q. Do you think you could provide an estimate? Is
20 that within the realm of possibility?

21 A. I would really have to ask subject matter experts
22 in that arena. I am not in the database management area.
23 So I don't know that I could even tell you that I could or
24 not, unless I talked to a few people that might be able to
25 tell me if there's any quick way of making that

1 determination.

2 Q. We're going to ask, if possible, with that
3 criteria, if you could at least --

4 A. You really want this, huh?

5 Q. -- provide an estimate, and we'll title that -- be
6 Late-filed Deposition Exhibit 3.

7 A. So what you're looking for is the number of lines
8 that would be involved --

9 Q. Affected lines.

10 A. Affected lines, in these 4.5 million changes?

11 Q. Uh-huh.

12 A. That's what you're really looking for, correct?

13 Q. Uh-huh.

14 A. No? He's shaking his head.

15 MS. WHITE: Why don't we go off the record for a
16 minute?

17 (Discussion off the record.)

18 MR. COX: Late-filed Deposition Exhibit 3,
19 Estimated Percentage of LPIC Changes Occurring on the
20 Same Lane Line From 1-1-1997 to 2-3-98.

21 (Late-filed Exhibit No. 3 identified.)

22 BY MR. COX:

23 Q. Moving to Line 15 on Page 6 of your direct
24 testimony, where you offer some figures. And it states, a
25 comparison of intraLATA toll competition results shows that

1 in Florida BellSouth lost 30 percent of its residential and
2 26 of its complex business, 32 of its small business, as of
3 January 1998. That's what we were just talking about.

4 A. That's correct, and that's what I will be updating
5 at part of Exhibit 2.

6 Q. Could I ask that when you provide that update you
7 provide support for these figures? Would that be possible?

8 A. That would constitute support.

9 MS. WHITE: For the number of lines?

10 MR. COX: Right. Any sort of backup materials
11 that helped you to arrive at those figures, any
12 statistics that you used.

13 WITNESS GEER: Such as total number of residential
14 lines in Florida?

15 MR. COX: Right, whatever backup calculation
16 materials that you can provide is what we're looking
17 for. We'll just supplement to that Exhibit 2.

18 BY MR. COX:

19 Q. On Page 7 of your testimony, you go through a
20 series of prompts or points in the customer contact
21 protocol, starting at Line 9.

22 A. Right.

23 Q. And this deals specifically with what we're
24 talking about, the intraLATA toll subscription type
25 services. The second point, BellSouth would advise a

1 customer that BellSouth can provide its local toll service?

2 A. Uh-huh.

3 Q. Do you believe -- I have a suggestion. I want to
4 see if you felt like that BellSouth might be amenable to
5 this suggestion. The suggestion is this: BellSouth would
6 advise the customer that BellSouth, as well as other
7 carriers, are available options for providing his local toll
8 service.

9 A. As opposed to --

10 Q. To the language that you've indicated here.

11 A. Certainly, that's --

12 Q. Does that seem like something that BellSouth could
13 agree to?

14 A. Certainly.

15 Q. Turn to Page 8 of your testimony. And this is
16 where you talked about the two types of calling plans, the
17 flat and the -- here we're talking about the second type,
18 which is the flat rate.

19 A. Right.

20 Q. And the question I have is: Does the customer
21 choice of intraLATA carrier affect the EAS services?

22 A. Well, he -- if a customer is subscribed to an EAS
23 type service, and let's, for example, say it's Area Plus for
24 a residential customer, but he selects a different carrier
25 other than BellSouth for his intraLATA toll, then he is

1 actually paying for a service with BellSouth that he is not
2 utilizing. So most definitely, he would be affected in that
3 regard. He has the service available to him. He is paying
4 for it. But he is utilizing another carrier's service and
5 therefore paying him as well.

6 Q. Would that maybe put a different rate? Is that
7 what you're telling me?

8 A. Could be a different rate. Most definitely would
9 be a different rate, more than likely.

10 MR. MCGLOTHLIN: When you get to a changing of
11 gears, I would like to go off and ask for some
12 clarification.

13 MR. COX: Let's go off the record.

14 (Discussion off the record)

15 BY MR. COX:

16 Q. Let's go back on the record. Just for
17 clarification, we're going to rehash the Extended Area
18 Service that we discussed earlier. What are the different
19 types of EAS that are available?

20 A. Okay, well you have, as you described them, your
21 EAS type services, which are part of your Extended Area
22 Service, as well as other plans, such as Area Plus for
23 residential customers and Business Plus for business
24 customers, where the fee is a monthly flat rate fee.

25 Q. Now that first version, is that something that you

1 have to presubscribe to, or is that something --

2 A. It's an optional --

3 Q. It's an optional?

4 A. -- calling plan, right.

5 Q. And it's different from the Area Plus and the
6 Business Plus?

7 A. No.

8 Q. The standard EAS is what I'm trying to get you to
9 explain.

10 A. Oh, the standard EAS.

11 Q. Yes.

12 A. On the standard EAS, or -- I don't believe that
13 you have -- it's optional, but I'm not sure that I can
14 recall right now a situation where you would be signing up
15 on a flat rate base to any other plan.

16 Q. But it is different than the Area Plus, the
17 traditional EAS?

18 A. Yes, because Area Plus in a lot of -- it's
19 available in certain locations, in certain extended areas,
20 but it's not available all throughout.

21 Q. Okay. But the traditional EAS would be available
22 all throughout an area; is that what --

23 A. Depending on the area. I wish I had a map or
24 something to share some of that.

25 Q. In the case of customer subscribing to the Area

1 Plus service, would the customer choice of another intraLATA
2 toll provider -- if a customer chooses another intraLATA
3 toll provider, would that terminate the customer's
4 subscription to the Area Plus service?

5 A. No, it would not.

6 Q. Why is that?

7 A. He would have to request termination to that
8 service, and we would notify, probably on some other means,
9 not during that customer contact, but possibly in an
10 outbound type basis, that that customer has a service he's
11 not availing himself of, and that if he wants to disconnect
12 it, we would be more than happy to disconnect it. In other
13 words, we would become aware at some point that he is paying
14 for a service that he does not -- is not receiving, and we
15 would make the effort to notify him.

16 Q. And that's a standard BellSouth practice, that
17 notification?

18 A. Uh-huh.

19 Q. Do you know how soon after the change in service
20 provider that occurs?

21 A. No.

22 Q. At Line 14 on Page 8, you state, under the
23 Commission restrictions, when a customer contacts BellSouth,
24 the Company is prohibited from discussing its intraLATA toll
25 services unless the subject is introduced.

1 So if the customer doesn't introduce the subject,
2 how might BellSouth advise customers of these types of
3 services?

4 A. Where are you at?

5 Q. This is Page 8, starting at Line 14.

6 A. Okay. And you're asking me what are the means?

7 Q. Right, that BellSouth has available to advise
8 customers of these types of services that we're discussing.

9 A. Well, obviously from a marketing standpoint,
10 whether it be just advertising or direct marketing of some
11 sort.

12 Q. Going on to the next line, when a new customer
13 selects an intraLATA toll carrier other than BellSouth, the
14 Company is restricted from educating the customer about the
15 impact of that choice on the local calling plan he may have
16 chosen, or to which he has access.

17 Now would BellSouth only advise the customer --
18 (Pause)

19 So if you're restricted from educating a customer
20 in this instance, that is when a new customer selects an
21 intraLATA toll carrier other than BellSouth, so the only
22 type opportunity where you would have to educate a customer
23 would be those types of marketing tools that you mentioned,
24 when else -- I guess what I'm asking is when would you be
25 able to educate a customer about these types of services.

1 MS. WHITE: Under the current restrictions?

2 WITNESS GEER: Under the current restrictions?

3 MR. COX: Yes.

4 WITNESS GEER: After he has been an existing
5 customer and he can either listen to advertising or be
6 part of a direct marketing type program. He would not
7 be able to be aware of any of these different plans as
8 part of any kind of educational practices we do up
9 front because we would not -- we would basically just
10 be advising him that there are carriers in the
11 marketplace that provide the service and offer to read
12 him the list of those carriers. And we would not be
13 educating him or even offering him any of our services
14 unless he specifically requested that information on
15 that contact. So it would be much after he was a
16 customer or a new customer.

17 BY MR. COX:

18 Q. So you could market these types of service through
19 direct telemarketing to an existing customer?

20 A. That's correct.

21 Q. And then you could also directly telemarket to
22 someone who was not a customer; is that --

23 A. That's correct.

24 Q. In an ideal world, from BellSouth's perspective,
25 where these restrictions didn't exist, how would you go

1 about educating customers on these types of choices with
2 regard to intraLATA toll services?

3 A. Well, our recommendation points to the fact that
4 if we are able to let the customer know that he has several
5 choices in the marketplace, and then also inform them that
6 BellSouth can provide those services, at that point, if the
7 customer is interested in the services that BellSouth can
8 provide, he's obviously going to ask: And what kinds of
9 services do you provide under these local calling plans?
10 And that would be an opportunity to, obviously, share with
11 the customer that he has access to ECS type services and EAS
12 type services. And that would be sort of the educational
13 opportunity.

14 In addition to that, the customer still has the
15 ability to go with another carrier if he so chose, and also
16 find out how many others and which other carriers, as we
17 provide him a listing of those carriers in the marketplace.
18 He would be making an educated decision.

19 Q. Right. So you would -- one possibility would be
20 to educate customers on instances where they were calling
21 about a service not related to intraLATA toll services.
22 Would that be an opportunity that BellSouth would want to
23 exercise to educate people about these types of services?

24 A. On an existing or new?

25 Q. For example, if they called to set up or look into

1 rates for Caller ID service.

2 A. Uh-huh.

3 Q. Would that be an instance where you would want to
4 maybe suggest or educate a customer about intraLATA toll
5 services?

6 A. Now you're talking about an existing customer?

7 Q. Yes.

8 A. And based on our prior docket, existing customers'
9 restrictions would expire in June. So after June, we could
10 conceivably be offering and educating the customer on all
11 our products and services as well. At this time we do not.

12 Q. Turning to Page 9 of your testimony, you talked a
13 little bit just about the education of the customer with
14 these types of services. Do you have any idea or a summary
15 of what the results or the impact of these -- the present
16 attempts to educate customers about these services has been?

17 A. During the current --

18 Q. Under the current restrictions.

19 A. Under the current restrictions. It's very
20 minimal, especially with new customers, because they're not
21 familiar with what's available in the marketplace. So more
22 times than not they're making a decision based on their own
23 knowledge or advertising, information that they've become
24 aware of, and that that's how they make their selection of
25 the carrier that they would like to have. And in more cases

1 than not, they are not knowledgeable enough to be directly
2 asking questions about services, especially if they're new
3 to the area, new to BellSouth, or even new to the area,
4 because a lot of the plans, the local calling plans that I'm
5 addressing here are -- in some cases, some of these new ones
6 are Florida specific. So especially if they're a new
7 customer, they would not be familiar with, for example, the
8 25 cent plan, of which they could avail themselves, or
9 anything else.

10 I do a lot of listening to customer contacts. And
11 most customers, the education on a new customer is very
12 minimal because he's not in an asking questions mode at that
13 time, and all we're -- all we offer him is basically the
14 ability to make a selection of a carrier, with that initial
15 contact.

16 Q. On Line 7 on that same page, Page 9 of your direct
17 testimony, you state, it's important that BellSouth be
18 allowed to educate customers concerning the first type of
19 local calling plan, which was the per call ECS type
20 services.

21 A. Right.

22 Q. Do you feel that it would also be important that
23 they be allowed to educate regarding the second type of
24 plans, the EAS type services?

25 A. Absolutely. Especially since in that case the

1 customer would be paying for a benefit he's not actually
2 being able to obtain.

3 Q. And you feel that you are restricted in that
4 context as well?

5 A. Yes, unless we do it after the fact.

6 MS. WHITE: Can we take a break for a minute?

7 MR. COX: Sure.

8 (Recess 11:00 a.m. until 11:05 a.m.)

9 BY MR. COX:

10 Q. Ms. Geer, it's my understanding you want to
11 provide some clarification to the response?

12 A. I need to look for the actual training material
13 and the actual documents that the service reps follow in
14 order to address a customer that's paying a flat rate. I do
15 know that we send them a letter, or correspondence after the
16 fact in those cases where we note that. However, I also
17 need to verify that we -- what language we use on that
18 initial customer contact.

19 Q. Would you like to provide that as a late-filed
20 exhibit?

21 A. Yes, I will.

22 Q. Late-filed Exhibit 4, and that -- I'll just run
23 this by everybody, is that all right? BellSouth Education
24 of Customers Regarding -- would you prefer Flat Rate
25 Services or EAS Services?

1 MS. WHITE: Flat rate.

2 MR. COX: Flat Rate Services. So BellSouth
3 Education of Customers for Flat Rate Services. That
4 will be Late-filed Deposition Exhibit 4.

5 (Late-filed Exhibit No. 4 identified.)

6 BY MR. COX:

7 Q. Turning to Page 10 of your testimony, you talk
8 about, if the marketing restrictions were lifted -- (Pause)
9 Page 10, starting at Line 13, if the marketing restrictions
10 were lifted, would a new customer be advised of conflicts
11 with subscribed BellSouth services based upon the intraLATA
12 carrier that he has selected? And then at Line 21 you state
13 that BellSouth will inform the customer in as competitively
14 neutral manner as possible.

15 Do you have any idea how BellSouth would perform
16 this type of informing? Could you provide any examples of
17 how that might take place?

18 A. With regards to the negotiation aspect of that
19 order, or when the customer calls in, and he is --

20 Q. Right, to advise him of these conflicts, I guess
21 is what we're talking about.

22 A. Right, and here's a customer that is subscribed to
23 one of our services, and he has no access to? Is that --

24 MS. WHITE: I think he's asking about ECS or Area
25 Plus.

1 WITNESS GEER: Right.

2 BY MR. COX:

3 Q. That's right.

4 A. Well, on the recommendations we state that we
5 would be notifying the customer that while other carriers
6 provide the service in the area, BellSouth does as well, and
7 at that time we would be able to then clarify any questions
8 that the customer has relative to the services that are
9 offered by BellSouth, or that he has signed up to. In this
10 case it sounds as if he has subscribed -- based on the
11 question, it's a service that he's already subscribed to,
12 such as the flat rate service.

13 Q. So you would like to inform the customer through
14 some sort of direct letter, direct mailed letter to the
15 customer? Is that the type of informing that you would be
16 doing here?

17 A. Well, in this particular statement, the
18 information would probably be also at the time that the
19 conversation is taking place, to ensure that there is no
20 customer confusion beyond that.

21 Q. And just for clarification, the customer confusion
22 that we're talking about is what you're -- it's the
23 confusion where they're subscribing to a service from
24 BellSouth but they've changed carriers, is that --

25 A. Right.

1 Q. So they're not receiving the benefit?

2 A. Right. Or they have access to services as part of
3 their Extended Calling Service area, that they're not even
4 aware they would have access to.

5 Q. So it's just a pure education of services that are
6 available?

7 A. Right.

8 Q. Page 11, this is my last question from your direct
9 testimony. Starting at Line 18, in the middle of your
10 summary of your testimony, you state: While the marketing
11 restrictions have been in place, other intraLATA service
12 providers have gained a significant amount of intraLATA toll
13 market, though largely at the expense of the consumer in two
14 areas. And the first area is that of customer confusion,
15 and that's the same customer confusion we just discussed,
16 right?

17 A. Correct.

18 Q. How has BellSouth determined there was customer
19 confusion, just by hearing complaints from the customers
20 themselves?

21 A. Constantly, yes.

22 Q. Do you maintain any kind of data or statistics on
23 those types of complaints?

24 A. The major complaints where the customer actually
25 wants to file either a complaint with the Public Service

1 Commission or a higher management complaint, then, yes, we
2 would have a record of those, but your constant customer
3 calling, asking questions, or basically saying, "I wasn't
4 aware of this, how come you allowed me to do that?" that
5 kind of customer contact, where the customer is upset and
6 complaining about a situation that he felt he was not made
7 aware of, those we would not keep track of, obviously, if
8 they were not a formal complaint.

9 Q. Do you have any kind of estimate of the volume of
10 these types of complaints, as far as numbers?

11 A. No, I really couldn't say, based on --

12 Q. How the percentage of overall complaints that
13 BellSouth receives for all its services, do you have any
14 idea how many are coming from this area? Is this a lot? Is
15 it the majority?

16 A. The majority of customer complaints at the current
17 time, in my estimation, based on what I hear, have to do
18 with the confusion in the toll marketplace, whether it be
19 intraLATA toll or interLATA toll, and it has to do with a
20 lot of what goes on in the marketplace, whether it be a lot
21 of the advertising and questions -- customers questioning
22 what is really the offer, or whether it be slamming or
23 cramming. I mean all of these issues will start bleeding on
24 to each other, but unfortunately, a lot of times customers
25 call in and do complain quite a bit relative to slamming.

1 And they only find out about some of these lost
2 opportunities when they're now questioning what happened to
3 their service, and their service was changed, and that kind
4 of thing. So, yes, there's a great deal of complaint,
5 complaints in that regard.

6 Q. I would like to turn to your rebuttal testimony
7 that was filed in this proceeding. Turning to Page 2 of
8 your prefiled rebuttal testimony, starting at Line 17 where
9 we discuss the amount of IPIC changes and the percentages,
10 particularly the 58 percent -- 57 percent of the residential
11 lines and the 46 percent of the business line statistics
12 involve situations where BellSouth was not the intraLATA
13 toll carrier on these LPIC changes that occurred between
14 January of '97 and February of '98. Do you have these
15 statistics broken down by an IXC basis?

16 A. I don't have them, but that is probably something
17 else that could be retrieved.

18 Q. Could we ask that you file that as a late-filed
19 exhibit?

20 A. Okay.

21 Q. That would be Exhibit 5.

22 MS. WHITE: So that would be HG-1 Broken Down on
23 the IXC Basis.

24 MR. COX: Yes, title would be HG-1 Broken Down on
25 IXC Basis --

1 WITNESS GEER: For the two other categories, you
2 want it broken down by LPIC?

3 MR. COX: I think that sounds right.

4 MS. WHITE: I guess to the extent I'm not sure, I
5 would have to think about whether that would be
6 considered proprietary by the interexchange carriers.
7 I figure it would, so we'll probably protect it just to
8 be on the safe side.

9 MR. COX: Provided under confidential cover,
10 that's fine.

11 MS. WHITE: That's why we didn't put it that way
12 in the beginning.

13 MR. COX: Suggest that maybe you list the top ten
14 and then group all of the rest as "the rest."

15 MS. WHITE: Okay, the top ten, and the amount of
16 changes?

17 MR. COX: Right.

18 (Late-filed Exhibit No. 5 identified.)

19 BY MR. COX:

20 Q. Turning to Page 3, rebuttal testimony, where you
21 state in Line 16, the Commission's intent in this docket was
22 to dramatically change the competitive landscape in the
23 local toll market, and imposing the restrictions on
24 BellSouth was its mechanism for achieving this goal.

25 What is the basis of your statement here as far as

1 the Commission's intent?

2 A. On the initial docket?

3 Q. I suppose so. I think that's what you're --

4 A. Uh-huh.

5 Q. Why they opened up this whole proceeding way back
6 when.

7 A. Right. Well, the intent here was to have
8 BellSouth remain completely neutral in their negotiations
9 with customers relative to intraLATA toll until such time as
10 they felt that the marketplace was competitive relative to
11 the other interexchange carriers having a market share of
12 the intraLATA toll market.

13 Q. So you're basing your statement here on the
14 Commission's earlier order?

15 A. Uh-huh.

16 Q. That came out?

17 A. Uh-huh.

18 MR. MCGLOTHLIN: For clarification, talking about
19 the 1995 ordering 1+ based competition or the results
20 of the joint complaints case.

21 WITNESS GEER: The results of the joint complaints
22 case, which is what I was referring to, which is what
23 created the current restrictions.

24 BY MR. COX:

25 Q. Turning to Page 4, Line 16, you state the IXCs are

1 very adept at soliciting customers to use their services.
2 Customers are now aware that they have choices of carriers.

3 Now you believe that this is true both for the
4 interLATA service and the intraLATA services?

5 A. Where are you at?

6 Q. Starting at Line 16 on Page 4, I'm sorry. It
7 states the IXCs are very adept at soliciting customers to
8 use their services. Customers are now aware that they have
9 choices of carriers.

10 When you say that customers are now aware they
11 have choices of carriers, do you believe that this is true
12 both for the intraLATA services and the interLATA services,
13 or are you just referring to interLATA services?

14 A. Well, I think that that statement is true
15 overall.

16 Q. Overall. So you think that the average customer
17 knows that there's a difference between the intraLATA
18 service and interLATA service?

19 A. I would not say that. I think there's still a
20 great deal of customer confusion that leaves much -- many
21 customers to believe that one and the other are the same.
22 There's a very fine line as far as the customer is concerned
23 between what is local toll and what is interLATA toll, as we
24 call it, or intraLATA versus interLATA. There's a great
25 deal of confusion there as it is.

1 Q. And it's your position that lifting the
2 restrictions would help to make customers more aware of the
3 intraLATA services?

4 A. That there are differences, and that there are
5 very many services on both sides that they can avail
6 themselves of.

7 Q. Starting at the bottom of Page 4, Line 25,
8 removing the restrictions from BellSouth will stimulate
9 innovation, e.g., more competitive calling plans, continues
10 on to Page 5. Removing the restrictions from BellSouth?

11 A. My pages are all different. Okay. All right.
12 Removing the restrictions.

13 Q. From BellSouth will stimulate innovation, e.g.,
14 more competitive calling plans among all local toll
15 providers.

16 Do you think that the introduction of more
17 competitive calling plans is -- would be merely a response
18 to the introduction of competition, or do you think it's
19 actually an indication of a flourishing competitive
20 environment?

21 A. Will you restate that question?

22 Q. Sure. Sure. You talk in this statement about how
23 the removing the restrictions would stimulate innovation,
24 for example, more competitive calling plans.

25 A. Right.

1 Q. Now do you think that more competitive calling
2 plans -- the introduction of more competitive calling plans
3 is the result of simply the introduction of competition and
4 that's all -- the only reason it's there is you think that
5 the introduction of new competitive calling plans is
6 actually a solid indicator of a flourishing competitive
7 environment?

8 A. Well, I think the introduction of more innovative
9 and more competitive calling plans is to the benefit of the
10 customer. And which is, in essence, the thrust behind
11 opening up the marketplace to competition, being -- the
12 thought that the customers will benefit from competition
13 both economically, as well as in the number of choices they
14 will have in the marketplace.

15 (Pause)

16 Q. On Page 5, the next statement says, releasing
17 BellSouth would force other service providers to introduce
18 new local toll service to acquire new customers and retain
19 existing ones.

20 Could you explain how this -- explain this
21 statement?

22 A. Well, basically the issue here is that if
23 customers are educated and aware of some of the plans that
24 BellSouth has for local calling plans, and they are indeed
25 the kinds of plans that are positive as far as a customer is

1 concerned, then in order for competitors to match and
2 compete against BellSouth in this regard, would require that
3 they do indeed come up with competitive local calling plans,
4 even some flat rate plans, as BellSouth currently has, and
5 plans that would actually entice customers to stay with them
6 or join them. It would no longer be a situation where
7 customers are making a selection based on no information of
8 any other alternatives.

9 Q. Turning to Page 6, rebuttal testimony, you state,
10 Line 4, the local toll market is extremely competitive
11 today. And what's the basis of that conclusion?

12 A. Basically the data that I have provided as far as
13 intraLATA toll market. I did not provide any data on the
14 interLATA toll market.

15 Q. Okay. Going down the middle of that page 6,
16 starting at Line 17 -- actually, we should probably look at
17 it in the context of the previous statement. But it says,
18 as a result, new customers who choose an intraLATA toll
19 carrier other than BellSouth will not know how to obtain the
20 benefits of the first type of local plan previously
21 described, which is the -- I guess the ECS, the per call?

22 A. Uh-huh.

23 Q. How -- when you say "obtain the benefits," you
24 mean just be able to use the service? Is that what you're
25 referring to?

1 A. That's right.

2 Q. The next statement you say, further, in certain
3 circumstances a new customer could be paying for a service
4 for which he has received no benefit. And those
5 circumstances are those that we discussed earlier?

6 A. The flat rate, monthly.

7 Q. Going to the very bottom of the page at Line 22.
8 (Pause) Back to -- in the case of ECS type service, the per
9 call service, first type, can a customer who is not
10 subscribing to BellSouth service, intraLATA toll service,
11 dial around and use that ECS service?

12 A. Yes, he can, but that would obviously have to be
13 explained to him as well as part of the direct questioning
14 he might make on that subject.

15 Q. So there would probably be very few customers that
16 would be aware of that ability to dial around?

17 A. Right.

18 Q. At Line 22 there on Page 6, BellSouth should be
19 allowed to inform customers of such conflicts without having
20 to wait until the subject is introduced by the customer.

21 Would this type of education of customers, of
22 informing them of these types of conflicts, differ from just
23 a standard marketing pitch geared at dissuading the customer
24 from his or her choice?

25 A. Absolutely. This would be a neutral type of

1 contact where the customer is informed that he has choices,
2 that BellSouth can provide service as well in that intralATA
3 toll market, and the services that we provide would be
4 obviously made known to him.

5 Q. And these are the types of situations that we've
6 already discussed, as far as when you'd educate about
7 conflicts?

8 A. Right.

9 Q. Last -- last question. Top of Page 7. Actually
10 let's move on.

11 I have a few questions on rebuttal testimony that
12 the MCI/AT&T/FCCA witness, Sandra Seay filed in this
13 proceeding, if you have a copy of that.

14 A. Yes, I do. The pages may be a little bit out of
15 order.

16 Q. Well, my page for this first question is on Page
17 3. And the question speaks to Page 3, Lines 8 through 12 of
18 your testimony. And it starts in the answer, we contended,
19 and believe the Commission agreed, that the carrier neutral
20 protocol was necessary to recognize BellSouth's two hats and
21 require BellSouth to separate them.

22 Now does BellSouth have different customer contact
23 protocols that would differ between the intralATA and the
24 interLATA services?

25 A. At this time, the contact relative to intralATA

1 toll services for new and existing customers and interLATA
2 contacts are essentially the same. We inform the customer
3 that there are several carriers in the marketplace that
4 provide the service, and we offer to read him a list, or her
5 a list, of those carriers that provide the service.

6 Q. So they are essentially the same right now?

7 A. Right, correct. At no point, obviously, do we --
8 we don't provide interLATA toll services, and in the
9 intraLATA toll market, even though we do provide the
10 service, we do not inform them that we do, unless the
11 customer asks a direct question about a service that we
12 provide.

13 Q. On Page 5, I have it at Line 7, starts, in fact,
14 BellSouth proposes not to mention the names of its
15 competitors unless specifically asked. Is that correct?
16 I'll let you read it.

17 A. Oh, I believe what she's addressing here is that
18 we offer to read the customer the list of available
19 carriers. If the customer responds affirmatively, then we
20 read the list. So the statement here is basically saying
21 that if the customer says, no, I don't want you to read the
22 list, we would not be reading the list. So that is
23 essentially what she's addressing there, that we do not --
24 we're not proposing not to mention it unless the customer
25 specifically asked. We would not read the list if the

1 customer did not want us to read the list.

2 Q. When you read the list in the intraLATA context --

3 A. For the intraLATA?

4 Q. IntraLATA. And I think I heard you say earlier
5 that you always indicated that you are a toll -- intraLATA
6 toll service provider?

7 A. No, never.

8 Q. But you could come up as part the random list?

9 A. Correct.

10 Q. So that's the only way that they would know in
11 that context, is if you came up as a part of the random
12 list?

13 A. Correct. And what you have to realize there is
14 that the contact negotiating guidelines call for us to
15 negotiate interLATA toll carrier first and intraLATA toll
16 carrier second. The procedure is the same. So basically we
17 are discussing with a customer first the interLATA toll
18 carrier choice, and we're telling him that there are several
19 carriers in the marketplace that provide the service, would
20 you like to have us read you a list of those carriers? And
21 in that list, which is the interLATA toll carrier list,
22 BellSouth is not a provider.

23 The next step is now basically doing the exact
24 same thing, but for the intraLATA toll market, and us
25 telling the customer there are several carriers in the

1 marketplace, and currently we also offer to read the list.

2 Now in this second instance, which is the
3 intraLATA toll carrier list, BellSouth is a carrier.
4 However, what you find for most customers is that, number
5 one, they don't want to stay on the phone negotiating a new
6 connect for a long time; and number two, their assumption is
7 going to be since the phraseology and all of the information
8 that we're sharing sounds and looks the same, is that their
9 assumption is that the lists are both the same. And in nine
10 cases out of ten, they've already heard the list once, they
11 don't like us to read the list a second time. That's
12 obviously a time waster. So they always hear the list from
13 the interLATA toll market's standpoint, which obviously
14 never would have BellSouth, because we do not provide
15 interLATA toll services.

16 Q. And the interLATA protocol is the majority of the
17 context that you do? Is that what you're telling me?

18 A. No, but it's the -- when a customer comes in to
19 place service with us, we have to negotiate both. But
20 interLATA is negotiated first and intraLATA second. You've
21 already -- if you read the list, you've already read the
22 list once, but that list does not contain BellSouth as one
23 of the names on the random --

24 Q. And BellSouth has no way of communicating that
25 although they were not included in the first list, they

1 could be included in the second list?

2 A. No, BellSouth has no way. In fact, we would be
3 saying exactly the same thing, that we do provide one
4 service, though not the other.

5 Q. A couple more statements, Ms. Seay, on Page 6, I
6 would like you to comment on. The first statement I would
7 like you to comment on is starting at Line 10 where it
8 states, BellSouth is not prohibited from educating
9 customers. If a customer requests information about
10 BellSouth's service, BellSouth is free to market itself to
11 the interested customer. Do you agree with that statement?

12 A. No, I don't, because just as I stated before, in
13 the instance that I shared with you, a customer would
14 obviously not have any indication that we even provide the
15 service. So we would not have any opportunities, again, of
16 educating the customer on the fact that we neither provide
17 the service nor have some plans available that might be of
18 interest to him unless he somehow is aware of that
19 information through other means and asks that direct
20 question.

21 So BellSouth is very much prohibited from
22 educating customers, and in the case of a new customer,
23 which is what we're addressing here, or a new consumer,
24 especially, that consumer has already, in the first part of
25 the contact, been made aware that BellSouth is not a part of

1 that interLATA customer list, if he heard it all the way
2 through the end. So the likelihood that he would think that
3 we are a part of the second list, which they'll seldom hear,
4 is not a reasonable conclusion.

5 Q. And the last statement he makes here is
6 BellSouth's real effort -- she makes, excuse me --
7 BellSouth's real effort is to avoid having to educate
8 customers on competitive choices by presenting BellSouth
9 service in every contact and informing the customer of
10 additional choices only if specifically asked by the
11 customer. BellSouth hopes to bypass its real educational
12 responsibility. What would be your comment on that
13 statement?

14 A. That's an inaccurate statement, because in all of
15 the recommendations that BellSouth has made, it has always
16 been stated that what we intend to do, would like to do, is
17 to advise the customer that he has many choices of carriers
18 in the marketplace, that BellSouth is one of them, and also
19 make the list of all those carriers available to them. So
20 it is in that framework of discussion that if the customer
21 was to say, well, I am interested in BellSouth, what
22 services do you have to offer, or if he was to ask, what
23 services do you have to offer, so I can compare against
24 another carrier, at least he would be able to make an
25 educated decision on which local calling plan and which

1 carrier he was interested in based on the financial and/or
2 any other criteria that he might want to look at for his
3 choice, where right now he does not have that ability.

4 MR. COX: That concludes Staff's questions. We
5 could either take a short break or start with those on
6 the line.

7 MS. WHITE: Why don't we take a short break, if
8 y'all don't mind.

9 Tom, do you have any?

10 MR. BOND: Just a couple.

11 MS. WHITE: Marsha?

12 MS. RULE: Nope.

13 MR. MCGLOTHLIN: Possibly ten minutes.

14 MS. WHITE: If Tom is only going to have a couple
15 and you're going to have ten minutes, do you want to --
16 let's keep going then.

17 MR. COX: Why don't we start with those on the
18 line.

19 MS. WHITE: Okay, Tom.

20 EXAMINATION

21 BY MR. BOND:

22 Q. Good morning. My name is Tom Bond appearing on
23 behalf of MCI. Just a couple questions.

24 First, do you know in regards to ECS calls what
25 the average number of minutes duration ECS calls are?

1 A. No, I do not.

2 Q. Okay. On Page 7 of your direct testimony you have
3 listed, there was a 1, 2 and 3, on Lines 9 through 14 with
4 steps that BellSouth proposes to use.

5 A. Correct.

6 Q. Are Steps 2 and 3 separate steps under your
7 proposal?

8 A. Yes, they are.

9 Q. So under your proposal, are you suggesting you
10 would advise the customers that BellSouth can provide the
11 local toll service; the minute they say okay, that's the end
12 of your discussion on that topic?

13 A. It could be.

14 Q. So you may not even mention to the customer that
15 you have a list of other providers that you would read to
16 them if they desired?

17 A. I've already told them on the first item that he
18 has an option of selecting a long distance carrier for local
19 tolls; that there are various carriers in the marketplace
20 that provide that service. Under Step No. 2, I'm telling
21 him that BellSouth can provide his local toll service.

22 Q. Then on Step No. 3 is where you would advise them
23 that you have a list of other carriers?

24 A. That's right. And in most instances the
25 conversation is flowing quickly enough that all of those

1 three statements are made very closely together unless a
2 customer jumps in and says, no, I know who I want and here
3 it is, and he gives you that information. But they are
4 intended to be three separate statements, not one script,
5 and it's not a script. So it could conceivably be that if a
6 customer stopped right there and said, this is who I want,
7 that the list would never be read.

8 Q. Okay. And on Page 10 of your testimony, I think
9 at Line 21, BellSouth will inform the customer in as
10 competitively neutral a manner as possible about the
11 BellSouth option.

12 How again does that fit into the three steps on
13 Page 7? Where do you make that statement?

14 A. Okay, that would be in the case where the customer
15 said that he would like to either utilize BellSouth as a
16 carrier, or he would ask us, if I was to use services from
17 you, BellSouth, what plans do you have or what local plans
18 do you offer, or something to that effect, where he would
19 actually be asking what is available to him as a BellSouth
20 intraLATA toll customer.

21 Q. And conceivably that could take place under your
22 proposal before you reached Step 3 on Page 7?

23 A. More than likely not.

24 Q. Is it conceivable that that's the way the
25 transaction could take place?

1 A. It could.

2 Q. And, again, what is the -- do you have any -- have
3 you determined how you're going to make that competitively
4 neutral statement to the customer to advise them of these
5 options?

6 A. Well, the information, as shared with the customer
7 on the documentation and the instructions that the
8 representatives are given, is to strictly initially tell the
9 customer that there are various options in the marketplace.
10 The recommendation would then be to let the customer know
11 that BellSouth is one of those providers, and immediately
12 after that offer to read them the list if they have not made
13 a selection.

14 It is after that information is provided in a very
15 clear and concise manner, that if the customer then wants to
16 know what is available from BellSouth, that the
17 representative would explain the different plans that, based
18 on the location where he resides, or he does business in,
19 would be made available, whether it be Area Plus, or whether
20 it would be every other ECS plan that is available in that
21 area.

22 And then they might explain even as far as to tell
23 the customer, well, with this plan you might be able to call
24 from here to here for X amount, or for this flat rate,
25 et cetera, because in most cases that is really the only way

1 customers understand what's available to them. They seldom
2 relate to miles and things like that. So while the plans a
3 lot of times are addressing number of miles, we do try to
4 then explain, you can call from this town to that town, that
5 kind of thing. And the reference would be made then.

6 Q. Now, if other carriers have adopted similar plans,
7 25 cent type calling plans, is that going to be made known
8 to the customers at that time?

9 A. No, I don't believe we would even be aware of some
10 of those plans at that time.

11 Q. How are you going to make this information known
12 to them in a competitively neutral manner if you're only
13 going to be discussing BellSouth's plans?

14 A. Well, I'm only discussing BellSouth's plans, once
15 the customer, being aware that BellSouth is actually able to
16 provide the service for intraLATA toll, that he is actually
17 asking, what plans do you have available, and how can I
18 compare to the other plans in the marketplace? The
19 competitively neutral position comes into play in the fact
20 that we do make it known that there are many carriers in the
21 marketplace that provide the service and BellSouth is just
22 one of them. And we offer them the selection of all those
23 other carriers.

24 Q. Okay, so by mentioning step number one on your
25 list of three steps on Page 7, is that what you're referring

1 to, is making it competitively neutral?

2 A. Yes, letting the customer know that there are
3 options in the marketplace for his service, letting him know
4 that BellSouth is one of those options, and offering to read
5 them a list of all the carriers that are in the
6 marketplace. Obviously BellSouth could not be aware of all
7 the plans that are being offered by all 51 or 100 carriers
8 that operate in the Florida market.

9 Q. Thank you. I have no further questions.

10 EXAMINATION

11 BY MR. MCGLOTHLIN:

12 Q. Ms. Geer, I have several, and some of them will
13 touch on ground that's been covered, but I'll try not to
14 plow that unduly.

15 I have a couple more scenarios, just as a
16 follow-up to Tom Bond's questions. Looking again at the
17 BellSouth proposal, as outlined on Page 7 of your testimony,
18 let's assume for a minute that your proposal is in place.
19 And as Step 1, the BellSouth representative advises the
20 customer that the customer has an option of selecting a long
21 distance carrier for local toll calls, and Step 2 says
22 BellSouth can provide that local toll service. And the
23 customer says, okay, I'll take BellSouth's local toll
24 service. What happens?

25 A. That selection is noted on the customer's account,

1 and then obviously at that point we can share with him the
2 options of the different calling plans that he has
3 available, based on where he resides or where he does
4 business.

5 Q. And is that part of your proposal, that you would
6 then get into the details of various BellSouth plans once
7 that election is made?

8 A. Once the election is made, as part the educational
9 process of him knowing what is available to him.

10 Q. All right. Let's take another scenario. The
11 BellSouth rep has advised the customer that the customer has
12 an option, and has also said, BellSouth can provide your
13 local toll service. And the customer says, I want AT&T.
14 What happens at that point?

15 A. The selection is made on his record for AT&T.

16 Q. And under your proposal, there's no attempt at
17 that point to warn the customer of any potential problems
18 you see, but at that time it's a -- the transaction is
19 complete?

20 A. Correct. (Pause) Do you want to take a break?

21 BY MR. MCGLOTHLIN:

22 Q. I want to look at the exhibit to your direct
23 testimony.

24 MS. WHITE: Let's take a break for a minute.

25 Sorry.

1 MR. MCGLOTHLIN: Well, just a minute.

2 MS. WHITE: Okay, I'll do it on redirect, but I
3 need to take a break anyway to go to the bathroom. But
4 go ahead.

5 BY MR. MCGLOTHLIN:

6 Q. Looking at the Exhibit HG-1, and I believe some of
7 this came out in response to some Staff questions, but just
8 for my own clarifications, Page 1 of 1 deals with
9 transactions as opposed to market share, correct?

10 A. Correct. It's activity.

11 Q. And in response to one of the questions of Staff,
12 you gave some statistics as of fairly recently, you said you
13 wanted to update them, but the statistics you gave were 30
14 percent of residential access lines, as I understand it,
15 were being served by carriers other than BellSouth.

16 A. Correct.

17 Q. Twenty-six percent of commercial -- what term did
18 you use?

19 A. Twenty-six percent of complex.

20 Q. Complex market -- complex market and complex
21 business, and 26 percent of small business?

22 A. Thirty-two of small business.

23 Q. And just so I'm clear that I understand the
24 terminology being used, does that translate then to a
25 present market share of BellSouth of 70 percent of

1 residential access lines for intraLATA?

2 A. That's correct. Now those statistics were
3 relative to number of access lines.

4 Q. All right. And the corresponding figures for the
5 other two categories you gave them would be 74 percent, and
6 I don't know why I wrote down 20 percent, but you're
7 saying --

8 A. Thirty-two percent.

9 Q. So the corresponding figure is --

10 A. I think it's on my --

11 Q. Is 68 percent?

12 A. I think it's on my testimony.

13 Q. And that is resulting overall market share, taking
14 into account of the transactions that are reported on 1
15 of 1?

16 A. Correct. I believe that data was as of the end of
17 January, though.

18 Q. Okay.

19 A. So it could be a little bit higher as far as
20 market share loss.

21 Q. Now, looking at Page 5 of your direct testimony.
22 At Line 10, you say, during the study period, BellSouth was
23 not the customer selection of the local toll carrier on 32
24 percent of new residential lines and 20 percent of new
25 business lines, right?

1 A. Uh-huh.

2 Q. Now we're talking about transactions at this
3 point, right?

4 A. Right.

5 Q. And said differently, BellSouth was the customer
6 selection for 68 percent of new residential lines and 80
7 percent of new business lines?

8 A. That's correct.

9 Q. And that's with the existing routines in place,
10 correct?

11 A. Correct.

12 Q. At Line 18 you say the target of competitors'
13 marketing activity appears to be existing customers; is that
14 correct?

15 A. Right.

16 Q. Would you agree that the proposal you make with
17 respect to new customers would not affect the activity of
18 BellSouth and/or its competitors with respect to existing
19 customers?

20 A. That's correct.

21 Q. Turning to your rebuttal testimony, at Page 3, you
22 make this statement beginning at Line 10: The complainants
23 apparently believe that this Commission is more interested
24 in philosophical and anecdotal arguments as opposed to
25 quantitatively understanding how competition is evolving.

1 Which of Ms. Seay's arguments do you regard as
2 philosophical?

3 A. Well, I think this statement here refers to the
4 fact that we have provided information that's quantitative
5 relative to competition in the marketplace and the current
6 conditions as they exist. And the testimony from Ms. Seay
7 does not address anything in that light. It more goes back
8 into a qualitative or philosophical statement about what we
9 had agreed to or did not agree to relative to how we would
10 handle the intraLATA and interLATA toll marketplace until
11 such time as the local market was completely open, and that
12 was where I think this particular statement went back to.

13 Q. Do you have reference then to her description of
14 the stipulation that was in effect and approved by the
15 Commission in the 1995 order, under which carriers,
16 including BellSouth, agreed that if 1+ intraLATA competition
17 were to be allowed, the new customers would be handled in
18 the same manner as interLATA customers?

19 A. That was what she was referring to in her
20 testimony.

21 Q. Is that what you referred to as a philosophical
22 argument?

23 A. Well, I guess more than anything what this is
24 attempting to address is the fact that there's been no
25 quantitative information provided to rebut the information

1 that was provided on direct testimony relative to the
2 effective competitiveness of the current marketplace.

3 Q. What about anecdotal arguments? Did you have a
4 particular statement in mind when you described Ms. Seay's
5 testimony as anecdotal?

6 A. Not really.

7 Q. At Line 13, you say --

8 A. On the same page?

9 Q. Yes. You say by setting forth stale and dated
10 equal access arguments, which by the way are applicable to a
11 market that BellSouth is prohibited from operating in,
12 Witness Seay, S-E-A-Y, attempts to skirt the very spirit and
13 intentions of the Commission in this docket.

14 Is it your understanding, Ms. Geer, that the --
15 that the arguments or the requirements that you refer to as
16 equal access arguments were made applicable to BellSouth in
17 the 1995 order?

18 A. Can you restate that question?

19 Q. Yes. Well, let me first ask you, what do you mean
20 by the term "equal access arguments"?

21 A. I'm addressing it basically in the same terms that
22 it's on the direct testimony from Ms. Seay, where she talks
23 about the fact that we should be following those very same
24 guidelines in the intraLATA toll market that we're following
25 in the interLATA toll market, even though we do not provide

1 the service in the interLATA toll market, but we do in the
2 intraLATA toll market.

3 Q. Do you understand that in the 1995 order, the
4 Florida Public Service Commission made those interLATA
5 routines applicable to BellSouth with respect to its
6 informing customers of their intraLATA options? Is that a
7 yes?

8 A. Yes, uh-huh.

9 MR. MCGLOTHLIN: I believe those are all the
10 questions I have.

11 EXAMINATION

12 BY MS. WHITE:

13 Q. Ms. Geer, in response to a question from Mr. Cox
14 with Staff, you talked about BellSouth sending a letter to
15 customers who choose Area Plus and choose an intraLATA toll
16 carrier other than BellSouth.

17 A. Uh-huh.

18 Q. What is essentially in that correspondence?

19 A. I believe essentially in that correspondence it
20 tells a customer that he is currently subscribing to Area
21 Plus service and he is told what the charge for that service
22 is, and, you know, he's basically put in front of the
23 customer that he has that service available to him and may
24 not be able to utilize it.

25 Q. And if the customer is not able to utilize it,

1 what does BellSouth do for that customer?

2 A. That customer would be in the customer contacts
3 list, and we make sure that he receives whatever he has paid
4 for that service that has not been made available to him as
5 a result of his other choice.

6 Q. Now, under the current restrictions, if a customer
7 chooses a carrier other than BellSouth for local toll
8 calls.

9 A. Right.

10 Q. And if that customer has ECS available to him in
11 his area.

12 A. Right.

13 Q. Is BellSouth able to advise that customer how to
14 access ECS calls?

15 A. Yes, but I believe in this case he would be
16 requesting that information. We do not offer the
17 information directly, and this is the item that I want to
18 really verify with the training material. And I will
19 provide it on an amended exhibit.

20 Q. Is it BellSouth's position that if these
21 restrictions are lifted and a customer picks their local
22 toll carrier other than BellSouth, and that customer has
23 access to ECS calling, that BellSouth will advise that
24 customer that they have to dial around to reach ECS?

25 A. Yes.

1 Q. Thank you. I have nothing further.

2 MR. COX: Anyone on the line have any further
3 questions?

4 MS. WHITE: We've got five exhibits, and --

5 MR. COX: I was looking at dates in relation to
6 the hearing on the 18th. I was thinking the 8th of
7 June. Does that sound reasonable?

8 MS. WHITE: Yeah, I won't be here so I don't
9 care.

10 WITNESS GEER: The 8th of June may be too early to
11 get information as of the end of May. I'm not certain,
12 but it may be.

13 MS. WHITE: Our hearing is on the 19th? 18th?

14 WITNESS GEER: 18th.

15 MR. COX: Would you prefer later that week?

16 MS. WHITE: Either later, or we just have to get
17 it as -- you know, whatever we've got --

18 WITNESS GEER: If not, all we're going to be able
19 to provide is one more month worth of data, because the
20 data in this testimony is as of the end of February.

21 MS. WHITE: Let's go off. We'll just finish the
22 deposition and go off the record.

23 MR. COX: That concludes the deposition.

24 (Deposition concluded at 12:10 p.m.)
25

1 REPORTER'S DEPOSITION CERTIFICATE

2

3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5 I, LISA GIROD JONES, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the above-styled deposition; that a
8 review of the transcript WAS requested; and that the
9 transcript is a true and complete record of my stenographic
10 notes.

11 I further certify that I am not a relative,
12 employee, attorney, or counsel of any of the parties, nor am
13 I a relative or employee of any of the parties' attorney or
14 counsel connected with the action, nor am I financially
15 interested in the action.

16 DATED this 20th day of May, 1998.

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LISA GIROD JONES, RPR, RMR

CERTIFICATE OF ADMINISTERING OATH

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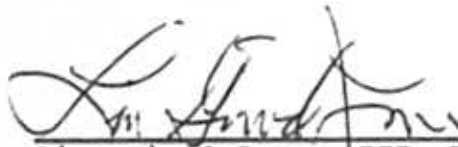
STATE OF FLORIDA)

COUNTY OF LEON)

I, LISA GIROD JONES, Registered Professional Reporter and Notary Public for the State of Florida;

DO HEREBY CERTIFY that the witness named herein personally appeared before me at the time and place designated and was duly sworn.

WITNESS MY HAND AND SEAL this 20th day of May, 1998, in the County of Leon, State of Florida.



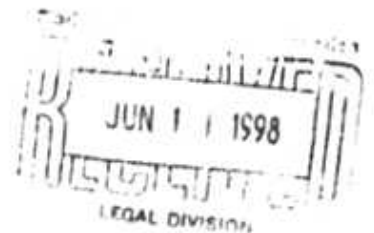
Lisa Girod Jones, RPR, RMR
Notary Public, State of Florida

BellSouth Telecommunications, Inc.
FPSC Docket No. 971399-TP
Geer Deposition Late Filed
Exhibit HG-1
May 18, 1998
Page 1 of 1

legal

REQUEST: Update HG-1 for April and May, 1998.

RESPONSE: The CARE extract to produce the data to update HG-1 for April, 1998, will be available on June 10th. Allowing time for summarizing and formatting, an updated HG-1 will be provided on June 11th. A data extract to provide May, 1998, data can be completed by June 17th for submission of an HG-1 update at the hearing on June 18th.



71

REQUEST:

Update page 6, line 15 of direct testimony. Also provide back up for numbers, including the number of residential and business lines.

RESPONSE:

Testimony, page 6, line 15

A comparison of intraLATA toll competition results shows that in Florida, BellSouth lost 32% of its residential, 25% of its complex business and 36% of its small business intraLATA toll pic-able lines as of May 31, 1998.

Backup provided next 4 pages.

LPIC Distribution of LPIC'able Access Lines

LPIC	FLORIDA 1/30/98		FLORIDA 5/31/98		Change		
	Access Lines	% of Total	Access Lines	% of Total	Access Lines	%	
Consumer	BST	2,978,489	69.56%	2,699,068	67.70%	(79,421)	-2.67%
	OTHER	1,233,459	28.80%	1,354,054	31.62%	120,595	9.78%
	BLANK	14,548	0.34%	13,004	0.30%	(1,544)	-10.61%
	NONE	30,512	0.71%	33,469	0.78%	2,957	9.69%
	UNDC	25,160	0.59%	25,457	0.59%	297	1.18%
	Sub-total	4,282,168		4,325,052		42,884	1.00%
Complex Business	BST	900,007	74.12%	912,978	75.19%	12,971	1.44%
	OTHER	255,928	21.08%	317,010	26.11%	61,084	23.87%
	BLANK	47,770	3.93%	49,081	4.04%	1,311	2.74%
	NONE	9,938	0.82%	13,981	1.15%	4,043	40.68%
	UNDC	590	0.05%	529	0.04%	(61)	-10.34%
	Sub-total	1,214,231		1,293,579		79,348	6.53%
Small Business	BST	512,719	68.32%	478,050	63.70%	(34,669)	-6.76%
	OTHER	208,243	27.75%	251,406	33.50%	43,163	20.73%
	BLANK	22,901	3.05%	24,921	3.32%	2,020	8.82%
	NONE	5,212	0.69%	6,457	0.86%	1,245	23.89%
	UNDC	1,395	0.19%	1,637	0.22%	242	17.35%
	Sub-total	750,470		762,471		12,001	1.60%
ICS	BST	72,062	96.82%	71,656	96.27%	(406)	-0.56%
	OTHER	1,251	1.68%	1,099	1.48%	(152)	-12.15%
	BLANK	1,069	1.44%	1,059	1.42%	(10)	-0.94%
	NONE	41	0.06%	58	0.08%	17	41.46%
	UNDC	6	0.01%	9	0.01%	3	50.00%
	Sub-total	74,429		73,881		(548)	-0.74%
Unknown	BST	71,069	94.62%	72,003	95.66%	934	1.31%
	OTHER	13	0.02%	13	0.02%	0	0.00%
	BLANK	4,027	5.36%	4,112	5.47%	85	2.11%
	Sub-total	75,109		76,128		1,019	1.36%
TOTAL	BST	4,534,348	70.85%	4,433,756	69.32%	(100,591)	-2.22%
	OTHER	1,698,892	26.56%	1,923,582	30.07%	224,690	13.23%
	BLANK	90,316	1.41%	92,177	1.44%	1,862	2.06%
	NONE	48,703	0.71%	53,965	0.84%	8,262	18.08%
	UNDC	27,161	0.42%	27,632	0.43%	481	1.77%
TOTAL		6,398,407		6,531,111		134,704	2.11%

REQUEST:

Estimate percentage of LPIC transactions occurring on the same line from 1/1/97 to 2/1/98.

RESPONSE:

BellSouth has investigated what would be required to provide a response to this request based on actual data. Significant processing capacity would be required to compare each transaction against all transactions each day for the entire time period. Approximately 1,600,000 transactions are processed each month equating to some 22,000,000 over the study period that would have to be cycled through for each transaction.

BellSouth then investigated a means to estimate the percentage requested. A sample method was considered; however, determining the sample points was problematic. Consumers are not likely to change their LPIC on the same day. It is likely that this might occur 1-3 days later in the case of buyer's remorse or 30-60 days later when they receive their first bill. Defining a sample time frame that would be representative was not possible.

REQUEST: Script on Area Plus and Business Plus when customer LPIC'd to carrier other than BellSouth.

RESPONSE:

Our Service Representatives do not use scripts in responding to customer inquires. Attached is a copy of the screen prompt from the OLD (on line documentation) which is used by our Service Reps as a guide when negotiating Service orders. This prompts the rep to remind our customers that if they do not subscribe to BellSouth as their Local Long Distance carrier, they would need to dial an access code before making a call to the expanded calling area. The same information applies to both Area Plus and Business Plus.

State: FL Book: Reference Guide Subject: AREA PLUS - FL

7 Volume discounts do not apply.

7 Calls made to an expanded calling area which are dialed 1+, must be carried on the BellSouth network. Customers that are LPIC'd to another carrier must dial the BellSouth access code 1015124, before making the call.

4

"Mr./Mrs. Customer:

Calls made to an expanded calling area which are dialed 1+, must be carried on the BellSouth network.

You currently do not subscribe to BellSouth as your Local Long Distance carrier. Therefore, in order to receive the benefit of Area Plus, you would need to dial the BellSouth access code of 1015124, before making the call."

7 Century, Florida is part of the Mobile, Alabama LATA.

Search	Repeat Search	Prior Topic
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REQUEST: HG-1 broken down on an IXC basis (top 10 and rest)

RESPONSE:

HG-1 required two man weeks of effort to summarize and format based upon the CARE extract. In order to produce this same exhibit broken down by the 11 groupings requested from 1/1/97 to 3/1/98, an estimated 22 man weeks would be required. This was so labor intensive that BellSouth sought an alternative method to approximate the information requested. The CARE data for the month of April, 1998, being used to respond to item 1 will be extracted by carrier. This one month sample will be used to approximate the 14 month summary requested. This extract will be available on June 10 for summary into the HG-1 format that can be provided to the Commission Staff on June 11th.

EXHIBIT NO. 3

DOCKET NO.: 971399-TP

WITNESS: Hilda Geer

PARTY: BellSouth (CONFIDENTIAL)

DESCRIPTION: (Confidential) Supporting Data

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 971399-TP EXHIBIT NO. 3
COMPANY/
WITNESS: See
DATE: 6-11-78

PROFFERING PARTY: Staff

I.D. # HG - 7

EXHIBIT NO. 4

DOCKET NO.: 971399-TP

WITNESS: Hilda Geer

PARTY: BellSouth

DESCRIPTION: Responses to MCI 1st set of
Interrogatories, Nos. 1-5

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 971399-TP EXHIBIT NO. 4
COMPANY/ H
WITNESS: Hilda
DATE: 6-11-98

PROFFERING PARTY: Staff

I.D. # HG - 8

OFFICE COPY

Legal Department

NANCY B. WHITE
Assistant General Counsel-Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

April 6, 1998

Hand-Delivery

Richard Melson, Esq.
Hopping Green Sams & Smith
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314

**Re: Docket No. 971399-TP Lifting of Marketing Restrictions
Imposed by Order No. PSC-96-1569-FOF-TP**

Dear Mr. Melson:

Enclosed is BellSouth Telecommunications, Inc.'s Responses to MCI Telecommunications, Corporation's First Set of Interrogatories (Nos. 1-5) and Responses and Objections to its First Request for Production of Documents (Nos. 1-12), which we ask that you file in the above-captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White

Nancy B. White (PW)

NBW/vf

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

REQUEST: In its Petition to Lift Marketing Restrictions, BellSouth stated that "BellSouth has tracked the intraLATA toll disconnects from June of 1996 through September 30 of 1997 for all existing Florida residential and business customers. The numbers show that BellSouth has lost 26% of intraLATA toll pic-able access lines in that time frame."

- (a) Please define "intraLATA toll disconnects" as BellSouth uses this term.
- (b) Does an "intraLATA toll disconnect" only occur when a customer chooses a new intraLATA carrier?
- (c) Please list and describe any other possible causes for intraLATA toll disconnects.
- (d) What percentage of "intraLATA toll disconnects" are due solely to customers changing intraLATA carriers?
- (e) What percentages of "intraLATA toll disconnects" are due to each of the causes lists in response to interrogatory 1(c)?

RESPONSE:

- (a) BellSouth's use of the term "intraLATA toll disconnect" in this instance means that an existing BellSouth customer selects either another carrier or selects the No-PIC option through the business office.
- (b) In our use of this term in the above, yes (with the exception being that a customer selects the No-PIC option through the business office).
- (c) Other causes of a disconnect could be that a customer moved to a new location or discontinued their service. However, these were not included in the above percentage.
- (d) 26% (customers selecting the No-PIC option through the Business office are included in this figure)
- (e) 0%

INFORMATION PROVIDED BY: Chris Boltz - Manager
BellSouth Telecommunications
675 West Peachtree Street, NE
Atlanta, Georgia 30375

BellSouth Telecommunications, Inc.
FPSC Docket No. 971399-TP
MCI's First Set of Interrogatories
March 6, 1998
Item No. 2
Page 1 of 1

REQUEST: How many intraLATA toll carriers offer service in BellSouth's service territory?

RESPONSE: Approximately fifty-one (51) carriers have advised BellSouth they wished to provide intraLATA toll service to customers in BellSouth's Florida territory.

INFORMATION PROVIDED BY: Chris Boltz - Manager
BellSouth Telecommunications
675 West Peachtree Street, NE
Atlanta, Georgia 30375

BellSouth Telecommunications, Inc.
FPSC Docket No. 971399-TP
MCI's First Set of Interrogatories
March 6, 1998
Item No. 3
Page 1 of 1

REQUEST: What does BellSouth intend to instruct its customer service representatives to say to prospective customers for residential services if the current marketing restrictions imposed in Order PSC-96-1569-FOF-TP are lifted or modified.

RESPONSE: The prompts do not have to be verbatim. BellSouth will prompt the Service Representatives to include the following information in order:

- (1) advise customer they have an option for local toll
- (2) BellSouth can provide local toll service
- (3) offer to read the list of providers

INFORMATION PROVIDED BY: Hilda Geer
Director-Consumer-South Florida
600 N.W. 79th Avenue
Miami, Florida
(305) 260-8110

REQUEST: What does BellSouth intend to instruct its customer service representatives to say to prospective customers for small business services if the current marketing restrictions imposed in Order PSC-96-1569-FOF-TP are lifted or modified.

RESPONSE: The statements to the customer will not have to be word by word. BellSouth will instruct the Small Business customer service representatives to include the following statements in order:

- A) Advise the customer they have an option for a local toll provider.
- B) Advise the customer that BellSouth can provide local toll service.
- C) Offer to read the list of available providers.

INFORMATION PROVIDED BY: Hilda Geer
Director-Consumer-South Florida
600 N.W. 79th Avenue
Miami, Florida
(305) 260-8110

BellSouth Telecommunications, Inc.
FPSC Docket No. 971399-TP
MCI's First Set of Interrogatories
March 6, 1998
Item No. 5
Page 1 of 1

REQUEST: What does BellSouth intend to instruct its customer service representatives to say to prospective customers for business services if the current marketing restrictions imposed in Order PSC-97-1569-FOF-TP are lifted or modified.

RESPONSE: "Mr./Mrs. Customer, due to the new competitive environment we are entering, you are now required to select a long distance carrier for the Local Toll calls, calls made within your calling zone to nearby communities. I will be glad to advise you of the carriers available. BellSouth is one of these carriers." OR "Mr./Mrs. Customer, in addition to selecting a carrier for your long distance calls, you are now required to select a company to handle long distance calls made within your local calling area. BellSouth would like to be your local toll provider. I will be glad to provide a list of other carriers available."

INFORMATION PROVIDED BY: Hilda Geer
Director-Consumer-South Florida
600 N.W. 79th Avenue
Miami, Florida
(305) 260-8110

STATE OF GEORGIA
COUNTY OF FULTON

BEFORE ME, the undersigned authority, personally appeared
Micheale F. Holcomb, who being first duly sworn deposes and says:

That she occupies the position of Manager, Headquarters
Regulatory and is the person who has furnished answers to these
interrogatories No. 1 through No. 5 and further says that
said answers are true and correct to the best of her knowledge and
belief.

WITNESS my hand and seal this 1st day of April.

A D. 1998.

Signature Micheale F. Holcomb

Teresa L. Rockwell
Notary Public

State of Georgia

My Commission Expires:

TERESA L. ROCKWELL
Notary Public, Gwinnett County, Georgia
My Commission Expires October 28, 2001

EXHIBIT NO. 5

DOCKET NO.: 971399-TP

WITNESS: Hilda Geer

PARTY: BellSouth (CONFIDENTIAL)

DESCRIPTION: Responses to MCI 1st request
for POD Nos. 1-6, 12

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET
NO. 971399-TP EXHIBIT NO. 5
COMPANY/ Hilda Geer
WITNESS: Hilda Geer
DATE: 6-11-98

PROFFERING PARTY: Staff

I.D. # HG - 9